

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2996 of 2020**

1. Dilip Vaishnav S/o Priyadas Vaishnav Aged About 30 Years R/o Ranvirpur, Police Station - Sahaspur Lohara, District - Kabirdham Chhattisgarh.
2. Ramadin Dhurve S/o Ramjhul Gond Aged About 43 Years Raipur, Police Station - Sahaspur Lohara, District - Kabirdham Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station - Sahaspur Lohara, District - Kabirdham Chhattisgarh.

---- Respondent

For the Applicant : Shri Lav Sharma, Advocate.
 For the Respondent/State : Shri Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.06.2020**

Heard.

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.28 of 2017, registered at Police Station – Sahaspur Lohara, District – Kabirdham, Chhattisgarh for the offence punishable under Section 20b(ii)B of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants were enlarged on bail by this Court vide order dated 27.2.2018 in M.Cr.C. No.7891 of 2017. Further, as they could not give appearance in the trial Court on the date fixed for hearing on 10.2.2020, the order was passed for issuance of non-bailable warrant of arrest. When the applicants came to know about this

order they themselves surrendered to the Court on 2.3.2020 and thereafter, they are in detention and their prayer for grant of bail was rejected by the trial Court. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants have clearly committed default and disobeyed the terms of the order of bail granted to them, therefore, they are not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. Considering the fact that the order dated 27.2.2018 has not been canceled or set aside by this Court, therefore, that order is still in existence. Hence, when the applicants were ready to furnish their bail bonds according to the order of this Court herein-above, the trial Court could not have denied for furnishing of such bail bonds for release of the applicants on bail. Therefore, this application is being disposed off with a direction that the applicants shall be released on bail bonds according to the terms and conditions as mentioned in the order dated 27.2.2018 in M.Cr.C. No. 7891 of 2017.

6. Accordingly, the third bail application filed under Section 439 of the Cr.P.C. is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge