

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3529 of 2020**

1. Nohar Singh Burman, S/o Bhopsingh Burman, Aged about 26 years, R/o Village – Salheghori, P.S. - Navagarh, District – Bemetara (C.G.)
2. Santosh Mandle, S/o Munna Mandle, Aged about 26 years, R/o Village Jhandadih, P.S. - Navagarh, District – Bemetara (C.G.)
(In jail)

---- Applicants**Versus**

State of Chhattisgarh, Through – Police Station Gidhourī – Tundra, District – Balodabazar, Bhatapara (C.G.)

----Non-applicant

For Applicants	: Mr. A.S. Rajput, Advocate.
For Non-applicant/State Advocate.	: Mr. Ravi Kumar Bhagat, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/08/2020**

- (1) Proceedings of this matter have been taken taken up through video conferencing from High Court Premises at Bodri, Bilaspur.
- (2) The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 15/2020 registered at police Station Gidhourī – Tundra, District Balodabazar, Bhatapara (C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

(3) Case of the prosecution, in brief, is that 36.300 kgs. of ganja was seized from the possession of the present applicants and another co-accused Sunil Dhritlahre and thereby committed the aforesaid offence.

(4) Counsel for the applicants submits that the applicants have been falsely implicated in the crime in question as nothing has been seized from the possession of the applicant. He further submits that the applicant has been arrested on 09.04.2020: charge sheet has already been filed and as the trial is likely to take time for its final disposal, the applicants may be released on bail.

(5) On the other hand, counsel for the State while opposing the submission made by counsel for the applicant submits the bail application of similarly situated co-accused – Sunil Dhritlahare has already rejected by this Court vide order dated 10.06.2020 in M.Cr.C. No. 1506 of 2020 and, therefore, the applicant is not entitled to be released on bail.

(6) Taking into consideration the facts & circumstances of the case, nature and gravity of the offences, and looking to huge quantity of ganja i.e. 36.300 kgs. seized from the possession of the applicants, which is more than the commercial quantity and further considering the fact that bail application of similarly situated co-accused-Sunil Dhritlahre has already been rejected by this Court vide order dated 10.06.2020 passed in M.Cr.C. No.1506 of 2020 and in view of the provisions contained in Section 37 (1) (b) of the N.D.P.S. Act, 1985, I am not inclined to release the applicant on bail. Therefore, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

