

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4872 of 2020**

1. Dharmendra Kushwaha S/o Santosh Kushwaha, aged about 28 years, R/o Muktipara, Atal Awas, Gandhinagar, Tahsil- Ambikapur, District Surguja (C.G.)
2. Prakash Rai @ Brajesh Rai S/o Rajesh Kumar Rai, aged about 26 years, R/o Village Sakalo, Barpara, Tehsil- Ambikapur, District Surguja (C.G.)

----- Applicants**Versus**

- State of Chhattisgarh through the Police Station Gandhinagar, District Surguja (C.G.)

----- Respondent

For Applicants	:	Mr. Abhishek Pandey, Advocate.
For Respondent	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.09.2020**

- The applicants have filed this **Second Bail Application** application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 194/2019 registered at Police Station : Gandhinagar, District Surguja (C.G.) for the offence punishable under Section 22 (B) of NDPS Act.
- The First Bail application of the applicants was rejected by this Hon'ble Court on 21.01.2020 passed in MCRC No. 7371/2020.
- According to the prosecution story, Police Personnel searched and seized total 24.6 grams of brown sugar from the possession of the present applicants

including other co-accused persons.

- Learned counsel appearing on behalf of the applicant would submit that the applicants are innocent and have been falsely implicated in the case. He would further submit that the other co-accused person has already been granted bail by the Co-ordinate Bench on 29.06.2020 passed in MCRC No. 3832/2020. The applicants are in custody since 25.08.2019 and they are ready to furnish adequate surety and shall abide by all the conditions and directions imposed upon them, therefore, they may be released on bail.
- Per contra, learned counsel appearing on behalf of the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Considering the facts and circumstances of the case, nature and gravity of the offence, the fact that the co-accused has already been granted bail by the Co-ordinate Bench, as the applicants are in jail since 25.08.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- each, with one local surety for the like sum amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge