

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7239 of 2020**

1. Bhupendra Mewada, Son Of Chander Singh Mewada, Aged About 25 Years
2. Mahesh Malviya Son Of Madan Singh Aged About 26 Years,

Both are Resident Of Village- Bhagwanpur, Police Station- Ashta, Tahsil And District- Sihore (Madhya Pradesh)

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Bagbahra, District- Mahasamund (Chhattisgarh)

---- Respondent

For Applicant
For Respondent

Mr. Amit Singh, Advocate
Mr. Ravish Verma, Government Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****16/12/2020**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.181/2020 registered at Police Station Bagbahra, District Mahasamund (CG) for the offence punishable under Section 20(B) of the Narcotic Drugs Psychotropic Substance Act.

3. The applicants have been found in possession of 41 Kg 800 gm of illicit *Ganja*, when they were travelling in Maruti Suzuki Brezza Car bearing registration No. MP 04 CQ 8981 from Orissa to Mahasamund.
4. Learned counsel for the applicants submits that in all, four accused persons have been arrested, therefore, the quantity of *Ganja* recovered from each of them would be less than the commercial quantity and the applicants being in jail since 13.9.2020 deserve to be released on bail.
5. Learned counsel for the State would oppose the bail application.
6. The seized quantity of *Ganja* is from the joint possession of all the accused and not separately from any one of them. In such case, the quantity of *Ganja* cannot be distributed amongst the accused persons so as to bring it lower than the commercial quantity.
7. Considering the commercial quantity of *Ganja*, I am not inclined to release the applicant on regular bail.
8. Accordingly, the bail application is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge