

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7546 of 2020

1. Arman Khan @ Raja & Another. S/o Rehman Khan Aged About 30 Years R/o Ward No. 11, Jawaharpara, Police Station Balod, District : Balod, Chhattisgarh
2. Rajesh Sahu S/o Gaindlal Sahu Aged About 28 Years R/o Ward No. 11, Jawaharpara, Police Station Balod, District : Balod, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station House Officer, Police Station Rajhara, District : Balod, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Sakib Ahmed, Advocate
For Respondent/State	:	Mr. Lalit Jangde, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/12/2020

Heard.

1. The applicants have been arrested in connection with Crime No.273/2020 in Special Session Case No.69/2020 registered at Police Station- Rajhara, District : Balod (C.G.) for the alleged commission of offence under Section 20(B) (II) (B) of Narcotic Drugs and Psychotropic Substances Act.
2. Prosecution case is that the applicants were found possessed of *Ganja* in the quantity of 5.200 KG, which has been carried on their motorcycle.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and false seizure has been made. He would further submit that before affecting seizure from the possession of the applicants, provisions of Section 50 of the NDPS Act were not complied with. He would next submit that the applicants are in jail since 03.07.2020, investigation is complete and charge-sheet has been filed, at this stage, the applicants may be granted bail.

4. On the other hand, learned State counsel opposes and submits that from the proceedings drawn by the Police Officer and recovery proceeding, from the vehicle of the applicants, applicants having been found in unauthorized possession of *Ganja* in the quantity of 5.200 KG, a *prima facie* case is made out.
5. Having considered the submissions of learned counsel for the parties, taking into consideration that the applicants are in jail since 03.07.2020, investigation is complete, charge-sheet has been filed and the quantity of *Ganja* alleged to be recovered from the possession of the applicants and that there is no criminal antecedent of commission of similar offence and that the maximum punishment which could be imposed for alleged commission of offence, the application is allowed.
6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge