

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7371 of 2019**

1. Dharmendra Kushwaha, S/o Santosh Kushwaha, Aged About 28 Years, R/o Muktipara, Ataam Awas, Gandhinagar, Tehsil- Ambikapur, District- Surguja Chhattisgarh.
2. Prakash Rai @ Brajesh Rai, S/o Rajesh Kumar Rai, Aged About 26 Years, R/o Village Sakalo, Barpara, Tehsil- Ambikapur, District- Surguja Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh, Through The Police Station- Gandhinagar, District- Surguja Chhattisgarh.

---- Respondent

For Applicants	: Mr. Rakesh Pandey, Adv.
For Respondent/State	: Mr. V. K. Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.01.2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial 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 the N.D.P.S. Act.
2. The prosecution story, in brief is that, on 25.08.2019, on the basis of information, police personnel searched and seized 24.6 grams of brown sugar from the possession of the applicants. Thereafter, offence has been registered against the present applicants.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that provision of Sections 50 and 52 of NDPS Act has not been complied with by police while arresting the applicants. The applicants are in jail since 25.08.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants

may be released on bail.

4. On the other hand, counsel for the State opposing the bail application submits that the applicants found in cautious possession of contraband brown sugar.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering totality of the facts and circumstances of the case, gravity of offence and further considering the fact that 24.6 grams of brown sugar has been seized from them, I am not inclined to release them on bail.
7. Accordingly, their bail application under Section 439 of the Code of Criminal Procedure is rejected.
8. Certified copy as per rules.

Sd/-
(Rajani Dubey)
Judge