

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7831 of 2019**

1. Chhayakant Bhoi S/o Ramchandra Bhoi Aged About 26 Years R/o Village Pidiyapanga, Thana Gochhapoda, District Kandhmal, Odisha., District : Kandhamal, Orissa
2. Pratap Kanhar S/o Baida Kanhar Aged About 25 Years R/o Village Kumbharkhol, Police Station Gochhapoda, District Kandhmal, Odisha., District : Kandhamal, Orissa

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Singhoda, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vikash Pradhan, Adv.
For Respondent	:	Shri Anil Tripathi, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/01/2020**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.11/2018, registered at Police Station - Singhoda, District Mahasamund (C.G.) for the offence punishable under Section 20(B)ii(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution story, in brief, is that the police of police station Singhoda, acting on a tip-off, seized 30.00 kilogram contraband article cannabis from the possession of the applicants. Based on this, offence has been registered against the applicants. Present applicants have been taken into custody on 01.02.2018.
3. Learned counsel for the applicants submits that the applicant are innocent and have been falsely implicated in the case.

He further submits that mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. He also submits that on 20.06.2018, co-accused Siddharth Gavai has already been granted bail by the co-ordinate Bench in MCRC No.1763/2018, therefore, present applicants may also be granted bail. He next submits that the applicants are in custody since 01.02.2018, the charge sheet has been filed and there is no likelihood of their case being decided in near future.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the quantity of ganja, and further considering the fact that co-accused has already been granted bail by co-ordinate Bench, the applicants are in custody since 01.02.2018 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.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- each with one local surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge