

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 479 of 2021**

- Mahtab Khan Alias Neelu S/o Lal Babu Khan Aged About 22 Years R/o Banjari Nagar, Near Rawabhatha Madarsa Police Station Khamtarai District Raipur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai District Raipur (Chhattisgarh)

---- Respondent

MCRC No. 888 of 2021

- Dayashankar Kannoje @ Daya S/o Girdhari Kannoje Aged About 25 Years R/o Village Ballaudi, Police Station Palari, Distt. Baloda Bazar, Chhattisgarh. Hall Prakash Company Sita Nagar, Gogaon, P.S.- Gudhiyari, Distt.- Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Khamtra, District-Raipur, Chhattisgarh

---- Respondent

MCRC No. 2188 of 2021

- Ramsai Patel @ Ravi Patel S/o Shri Dukalu Ram Patel Aged About 45 Years R/o Nagar Panchayat Tunda, Police Station Gidhouri, District (Revenue And Civil) Baloda Bazar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtra District Raipur Chhattisgarh

---- Respondent

For Applicants	: Shri Dev Ashish Bishwas, Shri Sachin Nidhi and Shri Yogesh Pandey, advocates for the respective parties.
For Respondent/State	: Ms. Anjali Singh Chouhan, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

06/04/2021

As all the above three M.Cr.Cs. arise out of the same crime number they are being disposed of by this common order.

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 625/2020 registered at police station Khamtartari, District Raipur (CG) for the offence punishable under Section 20(B) of the Narcotics Drugs and Psychotropic Substances Act.

As per prosecution case, on receiving secret information, the police party raided and seized 9 kgs. of cannabis from the possession of the applicants.

Counsels for the applicants submits that the applicants have been falsely implicated in the case and the mandatory provisions of NDPS Act have not been complied with. It is further submitted that the applicants are in jail since 20.12.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application and submits that the applicant in M.Cr.C. No. 479/2021 was earlier also tried for the offence under Section 27 of the NDPS Act.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicant in M.Cr.C. NO. 479/2021 furnishing a personal bond in the sum of Rs. 1,00,000/- and the other applicants' in M.Cr.C. Nos. 888/2021 and 2188/2021 furnishing a personal bond in the sum of Rs. 50,000/- each with one local surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

Sd/-
(Rajani Dubey)
Judge