

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 937 of 2021**

1. Jameel Beg, S/o Jaleel Beg Aged About 33 Years
2. Shakiloon Beg W/o Jameel Beg Aged About 27 Years

Both R/o Ward No. 11, P.S. Dharsiva, District Raipur Chhattisgarh

---- Applicants (In jail)

Versus

- State Of Chhattisgarh Through P.S. Dharsiva, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri JK Gupta, Advocate
For Respondent/State	: Shri Anand Verma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**23.03.2021**

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.568 of 2020 registered at Police Station Dharsiva, District-Raipur CG for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that on 04.11.2020, Police of Police Station Dharsiva, District Raipur received secret information on 11.12.2020 based upon which Police made search of the house of present applicants. During the search, Police found 3.290 kg Ganja in three packets from the almirah. After seizure of contraband from the house of applicants, crime for aforementioned offence was registered against the applicants.
3. Shri JK Gupta, learned counsel for the applicants submits that applicants have been falsely implicated in the case; they are not aware of the fact as to how that contraband has been kept in the almirah of their house. He submits

that there are number of visitors in the house and hence, it cannot be said that contraband that was seized is from the exclusive possession of present applicants. He further submits that quantity of contraband is less than commercial quantity and they are in jail since 11.12.2020. He submits that applicants are not having any criminal antecedents and they may be enlarged on bail.

4. Shri Anand Verma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicants submits that the contraband of 3.290 kg is recovered from the exclusive possession of present applicants. As alleged, Ganja has been recovered from the Almirah in the house of present applicants is more than small quantity and submits that the applicants are not entitled for the benefit under Section 439 of the CrPC. On a specific query regarding criminal antecedents of applicants, learned counsel submits that based on the case diary, there is no criminal antecedents against applicant-1.

5. I have heard learned counsel for the parties.

6. Taking into consideration the entire facts and circumstances of the case, nature of allegations against present applicants and further considering that applicants are in jail since 11.12.2020 and there is no criminal antecedents against applicants, without commenting on merits of the case, I am inclined to enlarge the applicants on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants be released on regular bail upon furnishing a bail bond in the sum of

Rs.25,000/- (Rupees twenty-five thousand) each with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicants shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE