

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1142 of 2021**

1. Arun Mishra S/o Late Ajay Kumar Aged About 27 Years R/o In Front Of Kabaddi Ground Durg Tehsil And District Durg Chhattisgarh.
2. Goutam Chakrawarti S/o Late Jyotischandra Chakrawarti Aged About 64 Years R/o Gali No. 4 Gayanagar Durg Tehsil and District Durg Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Utai, District Durg Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Avinash Chand Sahu, Advocate.
For the Respondent/State	:	Ms. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.06.2021**

Heard.

1. Applicant No.2 – Goutam Chakrawarti has been granted temporary bail by this Court on 29.4.2021 on the ground of illness and the period of temporary bail is due to expire on 28th June, 2021.

2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.424 of 2020, registered at Police Station – Utai, District – Durg, Chhattisgarh for the offence punishable under Sections 20(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Learned counsel for the applicants submits that the applicants are in jail since 4.12.2020 and have been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed and the trial against the applicants has not made any progress. Hence, it is prayed that the applicants be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the clear evidence showing recovery of contraband from the possession of these applicants. Hence, the applicants are not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, the seizure of 5 kg of ganja was made from the possession of these applicants while the same was being transported. Hence, this case.

7. Considering the facts and circumstances of the case that the case is pending for trial before the trial Court and also looking to this fact that the applicants are local residents of District Durg, therefore, I feel inclined to grant bail to the applicants in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge