

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1576 of 2021

1. Shailu Tiwari @ Lala (Wrongly written in the order sheet as Lal), S/o Pawan Tiwari, Aged About 21 Years, R/o Ward No.11, Near Mukti Morcha Office, Ajad Nagar, Ravabhata, P.S. Khamtarie, Raipur, District (Revenue and Civil) Raipur, Chhattisgarh
2. Prahlad Sahu @ Bhagat, S/o Dayalu Sahu, Aged About 27 Years, R/o Near Shiv Mandir, Ganga Nagar, P.S. Khamtarie, Raipur, District (Revenue And Civil) Raipur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Tilda Neora, District Raipur, Chhattisgarh

---- Respondent

For Applicant	Mr. Yogesh Pandey, Advocate
For Respondent	Mr. Ayaz Naved, GA

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

21/05/2021

1. 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.606/2020, registered

at Police Station – Khamtarai, District Raipur (CG), for the offence punishable under Section 20-B of the NDPS Act, 1985.

2. The case of the prosecution, in brief, is that 5.400 kg of ganja was recovered from the possession of the applicant No.1, whereas 4.898 kg from applicant No.2 and thereby they committed the offence.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have been falsely implicated in the crime in question. He would further submit that the ganja recovered from the possession of the applicants is more than the small quantity but less than the commercial quantity, the applicants are in jail since 10.12.2020 i.e. for more than 5 months, the charge sheet has already been filed and no custodial interrogation is required to be done, therefore, the applicants may kindly be released on bail.
4. On the other hand, learned State counsel would oppose the bail application.
5. I have heard learned counsel appearing for the

parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering the quantity of ganja, which is more than the small quantity but less than the commercial quantity, the applicants are in jail since 10.12.2020 i.e. for more than 5 months, charge sheet has already been filed and no custodial interrogation is required, I am inclined to release the applicants on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a 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.

Sd/-

Sanjay K. Agrawal
Vacation Judge

Nirala