

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.1942 of 2021**

- Babula Behra S/o Videshi Behra Aged About 35 Years R/o Village Singipur, Post Saja Thana Purshottampur, District Ganjam (Odisha)

**---- Applicant**

***Versus***

- The State Of Chhattisgarh Through The Police Station GRP Dongargarh District Rajnandgaon Chhattisgarh

**---- Non-applicant**

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For Applicant : Mr. Sameer Singh, Advocate.

For Non-applicant/State : Mr. Ravish Verma, Govt. Advocate.

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

**Order on Board**

**19-05-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. These applicants have been arrested on 17.12.2020, in connection with Crime No.13/2020, registered at Police Station-- GRP Dongargarh, District- Rajnandgaon, C.G. for offence punishable under Sections 20(B) of Narcotic Drugs and Psychotropic Substances Act.
2. It is submitted by the learned counsel for the applicants that the applicants are innocent and have been falsely implicated in this case. The contraband has been recovered from the open area with which the applicant had no connection. Wife of the applicant has died due to covid infection. The charge-sheet is filed. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that there is case present that the applicant has been in

possession of the contraband. Therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the police personnel of Police Station- GRP Dongargarh made recovery of 5 kg. Ganja from the possession of this applicant. The case has been investigated and charge-sheet has been filed. Hence, this case.
6. Considered that the applicant is in jail since about 05 months and the trial is not taking place because of the pandemic situation. Hence, for these reasons, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with two surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
8. Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Vacation Judge