

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2008 of 2021

1. Krishna Chand Vishwakarma, S/o Shri Rameshchandra Vishwakarma, aged about 21 years, R/o Village Near Jasra Railway Crossing, P.S. Dhurpur, District Prayagraj (Allahabad) (U.P.)
2. Vipin Singh, S/o Shri Mahendra Singh, aged about 23 years, R/o Village Khatagiya, P.S. Dhurpur, District Prayagraj (Allahabad) (U.P.)
3. Vijay Kumar, S/o Kamalnath, aged about 28 years, R/o Village Pachama Teonthar, P.S. Sohagi, District Rewa (M.P.)

(In Jail)

---- Applicants

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Kondagaon, District Kondagaon (C.G.)

---- Non-applicant

 For Applicants: Mr. Prateek Sharma, Advocate.
 For Non-applicant: Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board17/05/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.327/2019, registered at Police Station Kondagaon, Distt. Kondagaon, for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. This is the second bail application filed on behalf of the applicants for grant of regular bail. First bail application was dismissed for want of prosecution on 13-10-2020.
4. Case of the prosecution, in brief, is that total 101.190 Kgs. of Ganja was recovered from the possession of the present accused / applicants and thereby the applicants have committed the aforesaid offence.
5. Learned counsel for the applicants submits that this is the second bail application filed on behalf of the applicants for grant of regular bail, the applicants have not committed any offence, they have falsely been implicated in the case, they have been arrested on 7-12-2019 and since then they are in jail, therefore, they may be released on bail. He further submits that there is no compliance of Sections 42 and 50 of the NDPS Act.
6. On the other hand, learned State counsel opposes the bail application.
7. I have heard learned counsel appearing for the parties.
8. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, particularly, that the quantity of Ganja seized is 101.190 Kgs. and the provision of Section 37(1)(b) of the NDPS Act is attracted, I am not inclined to grant bail to the applicants. The application is therefore, rejected.
9. Consequently, the application for urgent hearing and the application for hearing during summer vacation stand disposed of.

Sd/-
(Sanjay K. Agrawal)
Vacation Judge