

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2154 of 2021**

1. Bahadur Ram Kurre @ Pappu S/o Nandlal Kurre, Aged about 31 years, R/o Village Barhol, P.S. Ramanujnagar, Distt. Surajpur, Chhattisgarh.
2. Ramesh Kumar Dewangan, S/o Raj Kumar Dewangan, Aged about 29 years, R/o Ramanujnagar, P.S. Ramanujnagar, Distt. Surajpur, Chhattisgarh.

---Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Patna, Distt. Koriya, Chhattisgarh.

--- Non-applicant/State

For Applicants:- Mr. Vijay Kumar Sahu, Advocate
 For State :- Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/08/2021**

1. This is the third bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 07/2020, registered at Police Station-Patna, District Koriya (C.G.), for the offence punishable under Section 20-B of NDPS Act. The first bail application filed by the applicants was dismissed as withdrawn with liberty to revive after examination of material prosecution

witnesses and the second bail application was dismissed on merit.

2. Case of prosecution, in brief, is that 284 kgs of Ganja was seized from the possession of the present applicants and they, thereby, committed the aforesaid offence.

3. Learned counsel for the applicants submits that after dismissal of the first bail application, seizure witnesses namely Sunil Kumar, Mahendra Rajwade, Babulal, Rajesh Kumar and Sohrab Ali have been examined and they have not supported the case of prosecution and there is non-compliance of Section 50 of the NDPS Act and moreover, the present applicants do not have any role in commission of the aforesaid offence and they have falsely been implicated in the crime in question, as such, the applicants be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of the offence, the facts and circumstances of the case and further considering the statement of the witnesses and that the quantity seized is more than

commercial quantity in view of the provisions contained under Section 37(1)(b) of the NDPS Act, I do not consider it a fit case in which the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet