

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2494 of 2021

1. Sushanta Sahu S/o Kiranji Sahu Aged About 20 Years, R/o Village Ram Krishna Nagar, Sonpur, Thana- Sonpur, District- Sonpur (Odisha)
2. Anil Bahara S/o Suro Bahara Aged About 19 Years, R/o Village- Tittinga, Thana- Monomunda, District- Budha, Odisha

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Torwa, District- Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Vikash Pradhan, Advocate.

For State/Non-applicant – Shri Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 27-01-2018 in connection with Crime No.38/2018 registered at Police Station – Torwa, District- Bilaspur, Chhattisgarh for the offence under Section 20(b)ii(c) of Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted by learned counsel for the applicants, that the applicants have been falsely implicated in this case. They are in jail since 27-01-2018. No offence has been committed by these applicants. It is submitted that one similarly placed co-accused Jeevan Kumar Sahu has been granted bail by the coordinate Bench of this Court in MCRC No.9190/2020 vide order dated 13-04-2021. The applicants are also similarly placed. Therefore, it is prayed that they may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that commercial quantity of cannabis has been seized from the possession of these applicants and also that both these applicants are residents of Odisha, therefore, in case they are granted bail, they may not be

available for trial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. 26.250 Kg. Cannabis was seized from possession of each of these applicants. Seizure was also made from other co-accused persons and total seizure made was 102 Kg. of cannabis, on the basis of which, offences have been registered against these applicants and others.

6. Considered on the submissions. Although the seizure of each of these applicants is of commercial quantity of cannabis, but there are circumstances present which needs consideration, firstly, the applicants are in jail since 2 ½ years, secondly, one of the co-accused has been granted bail by the coordinate Bench of this Court and thirdly, trial against these applicants is not making progress and the pandemic situation is still continuing, 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 these 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 Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge