

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2613 of 2021

1. Neelesh Kumar Dhawade, aged about 31 years S/o Late Rameshwer Dhawade, R/o Murrabhatti Ward No. 17, Gudhiyari, Raipur, Distt. Raipur (C.G.).
2. Manish Singh Rajput, aged about 33 years S/o Laxmi Singh Rajput R/o Quarter No. 151, Risali, Bhilai, P.S. Newai, District Durg (C.G.)

---- Applicants

Versus

- State Of Chhattisgarh through P.S. Chhuikhadan, Distt. Rajnandgaon (C.G.)

---- Respondent

For Applicants	:	Mr. Rakesh Thakur, Advocate
For Respondent/State	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/06/2021

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No. 63/2021 registered at Police Station Chhuikhadan, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substance Act.
2. It is submitted that the applicants are falsely implicated in the present case. They have not committed any offence as it is alleged. The applicants are in jail since 08/03/2021 and trial is likely to take some time, therefore, he prays that the applicants may be enlarged on bail.

3. Per contra, learned State counsel opposes the bail application and submits that the seizure made from the applicants is more than small quantity, however, less than commercial quantity. Although, applicant No. 1 has no criminal antecedent but applicant No. 2 has a previous case registered against him under NDPS Act, therefore, the bail application may be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, the police personnels of Police Station Chhuikhadan, Distt. Rajnandgaon stopped a car bearing registration No. CG04 HA 0422, which was occupied by these applicants. On being searched, total 4 Kg cannabis was found and seized from the joint possession of these applicants.
6. Considered on the submissions. As it appears that both the applicants are local residents, they are in jail since 08/03/2021 and trial seems to take some time, therefore, I feel inclined to allow the application of these applicants.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge