

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 695 of 2021**

- Jamal Ahmad S/o Masiuddin Aged About 29 Years R/o Chip House, Nearby Ground, Podi, Police Station Podi, District Koriya (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station Podi, District- Koriya (Chhattisgarh).

---- Respondent

MCRC No. 2829 of 2021

- Ibarat Ali S/o - Shakir Ali, Aged About 34 Years R/o - Ward No. 5, West Chirmiri, Podi, P.S. - Podi, Tehsil And District - Koriya Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through - S.H.O. Police Station - Podi, District - Koriya Chhattisgarh.

---- Respondent

For Applicants	:	Shri Anil Gulati, Advocate.
For Respondent-State	:	Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant, Judge
Order on Board

18.06.2021

1. Both these cases are being disposed off by this common order as they arise out of the same crime number.
2. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicants have been arrested on 27.11.2020 in connection with Crime No. 147/2020 registered at Police Station Podi, District Koriya (C.G.) for offence punishable under Sections 22(B) of Narcotic Drugs & Psychotropic Substance Act.
3. It is submitted by the learned counsel for the Applicants that both the Applicants have been falsely implicated in this case. They have no connection with the crime as alleged to be committed by them. The Applicants are in jail since 27.11.2020. Trial against them is not making any progress. It is prayed that the bail may be granted to the Applicants.

4. The learned counsel for the State opposes the application and it is submitted that there is clear evidence regarding seizure of contraband from both these Applicants, therefore, they are not entitled to grant of bail.
5. I have heard the learned counsel for the parties and perused the record.
6. According to the prosecution case, on the date of incident, the Applicants in both cases were travelling on a motor cycle. They were stopped by the Police Personnel of Police Station Podi, District Koriya (C.G.). On searching the motor cycle, the Applicants were found in possession of 5 numbers of AVIL injection, 5 number of REXOGESIC injection and two empty AMPOULES alongwith Needles and Syringe for which they were arrested and hence the case was registered.
7. Considered on the submissions and the materials of the case. Looking to the length of detention of the Applicants in jail and also that the trial against them is not making any progress, therefore, I am inclined to allow this bail application.
8. Consequently, the application filed by the Applicants under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
9. It is directed that the Applicants shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge