

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2938 of 2021

- Subhash Sahu S/o Upendra Sahu Aged About 32 Years, R/o Village Parsada Thana, Jharband, District Bargarh (Odisha)., District : Bargarh, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

MCRC No. 3742 of 2021

- Haldhar Sahu S/o Kuber Sahu Aged About 27 Years, R/o Village Parsada Thana, Jharband District Bargarh (Odisha)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh

---- Non-applicant

For Applicants – Shri Vikash Pradhan, Advocate.

For State/Non-applicant – Smt. Smriti Shrivastava, Panel Lawyer.

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

02-07-2021

1. As both these applications arise out of the same crime number, they are being decided by this common order.
2. Both these applications under Section 439 of the Cr.P.C are first bail application before this Court filed by these applicants for grant of regular bail. Both the applicants have been arrested on 04-03-2021 in connection with Crime No.106/2021 registered at Police Station – Basna, District Mahasamund, Chhattisgarh for the offence under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act.
3. It is submitted by learned counsel for the applicants in both the applications, that the applicants have been falsely implicated. They are in jail since 04-03-2021. Charge sheet has been filed. The trial is not getting any progress. Therefore, it is prayed that both these applicants may be enlarged on

bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that the quantity of cannabis seized is more than small quantity, however, it is less than commercial quantity. Both the applicants are residents of Odisha, therefore, in case they are enlarged on bail they may not be available for trial. Hence, the applications may be rejected.

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

6. According to the prosecution case, 14 kg. Cannabis was seized from the joint possession of both the applicants, when the same was being transported by them on a motorcycle. Hence, this case.

7. Considered on the submissions. As it appears, that the case is now pending for trial, there is no criminal antecedent against these applicants and there is likelihood of delay in conclusion of the case against them because of continuation of the pandemic situation, therefore, I feel inclined to allow both these applications.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge