

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

MCRC No. 3050 of 2021

1. Samarth Tiwari S/o Ramkumar Tiwari Aged About 20 Years Resident Of 4549/3-A, Shivnagar Colony, Jabalpur , Tahsil And District Jabalpur (MP).
2. Akash Rajak S/o Mukesh Rajak Aged About 19 Years Resident Of Gohalpur Akhera, Police Station Gohalpur, Tahsil And District Jabalpur (MP).

---- Applicants

Versus

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

---- Non-applicant

For Applicants	: Shri Raghvendra Pradhan, Adv.
For State	: Shri Alok Nigam, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board

2-6-2021

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 17-4-2021 in connection with Crime No. 58/2021 registered at Police Station Komakhan, Distt. Mahasamund (C.G.), for the offence punishable under Section 20-B of Narcotic Drugs and Psychotropic Substances Act.

2. Case of the prosecution, in brief, is that on 17-4-2021 on the information received that two person are carrying Ganja on a motorcycle make TVS Apache bearing registration No. MP 20 NG 5415 and coming from Orissa for sale, near village Narra Water Tank, they were stopped. Motorcycle was driven by Applicant No. 1 Samarth Tiwari and applicant No. Akash Rajak was pillion rider and he kept 14 packets i.e. weighing 14 kg. Ganja which were seized. Offence under Section 20-B of the NDPS Act was registered against them.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated. He further submits that there is no criminal antecedents of the applicants, the applicants are in jail since 17-4-2021, mandatory provisions of NDPS Act have not been complied with, the applicants will not abscond if bail is granted, therefore, present applicants may be enlarged on bail.

4. On the contrary, learned State counsel opposes the applications for grant of bail. However, he does not dispute that the applicants have no criminal antecedents as per police case diary.

5. Looking to the facts and circumstances of the case, nature and gravity of offence, period of detention and also considering the fact that the trial will take some more time for its conclusion, and as per submission there is no criminal antecedent of the applicants, without further commenting on merits of the case, I am inclined to release the applicants on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of their furnishing a personal bond in sum of Rs. 25,000/- with two local sureties in the like amount to the satisfaction of the concerned trial Court. They shall appear before the trial court regularly on each and every date as per direction of the court, unless exempted from appearance.

7. I.A. No. 3/2021 for exemption from filing certified copy of order dated 26-4-2021 stands disposed of.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
VACATION JUDGE

pathak/-