

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3368 of 2021**

1. Roshan Chouhan, aged about 38 years, S/o Janakram Chouhan, R/o Village Sumedha, Naginbhanta, Ward No. 40, Tahsil Darri, District Korba (C.G.)
2. Prahlad Chouhan, aged about 22 years, S/o Ramprasad Chouhan, R/o Village Kadari, P.S. Baradwar, District Janjgir-Champa, presently R/o Ara Meachine, Kashi Nagar, Korba, District Korba (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through Station House Officer, P.S. - Deepka, District Korba (C.G.)

---- Non-applicant

For Applicants : Shri Devershi Thakur, Advocate.
 For Non-applicant/State : Ms. Shivali Dubey, Panel Lawyer.

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

06.07.2021

1. 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 06.11.2020 in connection with Crime No. 206 of 2020 registered at Police Station Deepka, District Korba (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs & Psychotropic Substance Act, 1985.
2. It is submitted by the learned counsel for the Applicants that the Applicants have been falsely implicated in this case. The Applicants are in jail since 06.11.2020. Charge-sheet has been filed and the trial against them is not making any progress. The material witnesses *i.e.*, the witnesses of search and seizure have been examined, who have not supported the prosecution case in any manner. Therefore, it is prayed that the bail may be granted to the Applicant.
3. The learned counsel for the State opposes the applications and the submission made in this respect. It is submitted that in total 203 kg of Ganja

was seized from the possession of the Applicants. Therefore, it is the case of quantity which is above commercial quantity. Hence, looking to the seriousness of the offence the Applicants are not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the record.
5. As per the prosecution case, on the date of incident, the Police personnel of Police Station Deepka, District Korba (C.G.) made seizure of 203 kg of Ganja which was kept in two cars from the possession of the Applicants. There were some other accused persons also who fled from the spot on the arrival of the Police. On the basis of which the offence has been registered.
6. Considered on these submissions. It appears that the trial against the Applicants have been pending and it is getting extended due to the pandemic situation, further the witnesses of search and seizure have been examined in the trial, who have not supported the prosecution case, therefore, I am inclined to allow this bail application.
7. Consequently, the application filed by the Applicants under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
8. It is directed that the Applicants shall be released on bail on 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