

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3394 of 2021

1. Devendar Kumar Mahant @ Chhotu S/o Narayan Mahant, aged about 23 years,
2. Prabhit @ Puran Jagat S/o Ganesh Ram Jagat, aged about 20 years,

Both are R/o Shashtri Nagar, Fokat Para, Police Station Devendra Nagar, Raipur, District Raipur (C.G.)

---- Applicants

Versus

- State Of Chhattisgarh through Station House Officer, Police of Police Station Devendra Nagar Raipur, District Raipur (C.G.)

---- Respondent

For Applicants	:	Ms. Smita Jha, Advocate
For Respondent/State	:	Mr. Shakti Singh Rajput, PL

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

06/07/2021

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. 56/2021 registered at Police Station Devendra Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Section 21 (B) of the Narcotic Drugs and Psychotropic Substance Act.
2. It is submitted that the applicants are innocent who have been falsely implicated in this case. No such offence has been committed as alleged against these applicants. They are in jail since 28/04/2021 and trial is likely to take some time, therefore, they may be released on

bail.

3. Per contra, learned State counsel opposes the bail application and submits that the contraband seized from these applicants is commercial quantity. Applicant No. 1 Devendar has a criminal history and there is one case registered against him under the provisions of IPC and Arms Act, therefore, the applicants are not entitled to get bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, seizure of 80 tablets of Nitrosun was made from applicant No.1 and seizure of 60 tablets of Nitrosun was made from applicant No.2 which have contents which are prohibited under NDPS Act, regarding which the case has been registered.
6. Considered on the submissions. Taking into consideration the fact that the case is now pending for trial, the applicants are local residents of this state and there is likelihood of delay in conclusion of trial, I feel inclined to allow this bail application and release the applicant on bail.
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