

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3406 of 2021

1. Firoz Khan, S/o Hafij Khan, Aged About 28 Years, R/o Mullani Chowk, Khadan Akola, Police-Station-Akola, District- Akola (Maharashtra).
2. Nisharoddin, S/o Badroddin, Aged About 40 Years, R/o Julfkar Nagar Khair Mohammad Plot Akola, Police-Station-Akola, District-Akola (Maharashtra).

---- Applicants

Versus

1. State of Chhattisgarh Through Station House Officer, Police of Police Station Komakhan, District- Mahasamund (Chhattisgarh).

---- Respondent

For Applicants	: Mrs. Smita Jha, Advocate.
For State/respondent	: Ms. Akshara Amit, PL for State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/09/2021

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.200/2020 registered at Police-Station-Komakhan, District- Mahasamund, Chhattisgarh for the offence punishable under Sections 20(B) of Narcotic Drugs and 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. They are in jail since 14.11.2020. Charge-sheet has been filed.

Reliance has been placed on the order of the co-ordinate Bench of this Court in the case of Mohammad Iklakh Siddiqui v. State of Chhattisgarh & Acchelal Verma v. State of Chhattisgarh in MCRC Nos.4034/2021 & 2394/2021.

Therefore, it is prayed that these applicants may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the quantity of ganja seized is more than commercial quantity and both the applicants are residents of other State, therefore, in case they are released on bail they may not be available for trial, hence, the application may be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. 25kg ganja the narcotic substance has been seized from the possession of these applicants and two other co-accused persons and the same was being transported by them in a car.
6. Considered on the submissions. As it is submitted that the ganja was seized from the dicky of the car and these applicants were not in conscious possession of the same, therefore, I feel inclined to allow the application of these applicants.

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 their furnishing a personal bond for a sum of Rs.25,000/-each with one surety 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

Nisha