

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3596 of 2021

1. Shivilal Patel S/o Bidasi Patel Aged About 35 Years, R/o. Village Mundagaon Naikpara Police Station Bhanpuri District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh
2. Kamalram Nishad S/o Kudiram Nishad Aged About 45 Years R/o. Village Badeamabal Police Station Bhanpuri District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through - The Police Station Darbha District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

----Non-applicant

For Applicants – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State –Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-06-2021

Heard.

Admit.

The State counsel submits that the case diary is available.

Both the counsel for the parties agreed to make their submission.

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 14-01-2021 in connection with Crime No.4/2021 registered at P.S. - Darbha District Bastar, Chhattisgarh for the offence under Section 20 (B) (ii-B) of Narcotic Drugs and Psychotropic Substances Act.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 14-01-2021. Charge sheet has been filed. Therefore, it is prayed that the applicants may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, recovery of 11.300 kg. ganja was made from applicant No.1, whereas, 6.600 Kg. ganja was recovered from the applicant No.2 when the same was being transported on motorcycles.
6. Considered on the submissions. Looking to the length of detention of the applicants in jail and also the fact that the progress in the trial cannot be expected in such a pandemic situation, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge