

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4060 of 2021

- Bishwajit Bishwas S/o Shri Deepak Bishwas Aged About 23 Years R/o Qr No Mv- 83, Post Padegari Police Station Malkangiri, District Malkangiri Orissa.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station Keshkal District Kondagaon Chhattisgarh.

---- Non-Applicant

MCRC No. 4077 of 2021

- Thaneshwar @ Raja Vishwakarma S/o Late Shri Balluram Vishwakarma Aged About 24 Years R/o Sector-07, Road No. 40, Near Ram Mandir P. S. Bhilainagar, District Durg Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station Keshkal District Kondagaon Chhattisgarh

---- Non-Applicant

For Applicants	: Mr. Ashok Kumar Korma, Advocate
For State/Non-Applicant	: Mr. Ajay Kumhrani, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13.07.2021

1. Heard.
2. Since both the applications are arising out of same crime number, therefore, the same are being disposed off by this common order.
3. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the

applicants, who have been arrested in connection with Crime No. 115 of 2020, registered at Police Station – Keshkal, District – Kondagaon (C.G.), for the offence punishable under Section 20(b)(ii) (B) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

4. It is submitted by the learned counsel for the Applicants in both the cases that these applicants have been falsely implicated. They are in jail since 27.11.2020. Charge-sheet has been filed and the trial is not making any progress. One of co-accused namely Kusum Shukla has been enlarged on bail by this Court. Therefore, these Applicants, who are similarly placed, are also entitled for grant of bail. Their applications may be allowed.
5. On the other hand, learned counsel for the State opposes the bail applications and submits that one of the Applicant namely Bishwajit Bishwas is resident of Orissa and therefore, if he is granted bail he may not be available for trial. Hence, their applications may be rejected.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. 11.8 kg cannabis was seized from the possession of both these Applicants and two other co-accused persons when the same was being transported in a car. Hence, these cases.
8. Considered on the submissions. As it is a case of contraband which is more than small quantity, but less than commercial quantity and one of the co-accused person has already been granted bail. Further

that it appears that the trial in case is getting delayed, therefore, I am inclined to allow both these applications.

9. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for there appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Chandra