

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4137 of 2021**

1. Dinesh Choubey, S/o Kashiram, Aged About 50 Years, R/o Village Iswarpur, Thana Sahpur, District Bhojpur (Bihar).
2. Harendra Ray, S/o Late Devraj Ray, Aged About 51 Years, R/o Village Bansipur, Thana Sahpur, District Bhojpur (Bihar).

---- Applicants**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants	: Shri Vikash Pradhan, Adv.
For Respondent/State	: Shri B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01.07.2021**

1. Heard.
2. The accused/applicants have moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 490/2020 registered at Police Station- Basna, District Mahasamund (C.G.) for the offence punishable under Section 20 (b) of the N.D.P.S. Act.
3. Earlier, the first bail application of the applicants was dismissed as withdrawn vide order dated 08.04.2021 passed in MCRC No. 2637/2021 by this Court.
4. The prosecution story, in brief is that, on the basis of secret information, police personnel have seized total 43 Kg Ganja from illegal possession of the applicants. Thereafter, offence has been registered against the present applicants and they were taken into custody.
5. Learned counsel for the applicants submits that the applicants

are innocent and have been falsely implicated in the crime in question. He further submits that the mandatory provisions of NDPS Act have not been complied in its letter and spirit. He next submits that applicants have no criminal antecedents and the applicants are in jail since 18.10.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the records.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that applicants have no criminal antecedents and the applicants are in jail since 18.10.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 1,00,000/- each with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**