

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4813 of 2021**

1. Pawan Singh Gond, S/o. Sohan Gond, aged about 24 years, Resident of Village Parasi, Near Durga Mandir, Police Station Manpur, District Umariya Madhya Pradesh.
2. Shobhnath Kewat, S/o. Anshdhari Kewat, aged about 26 years, Resident of Village Parasi, Near Durga Mandir, Police Station - Manpur, District -Umariya, Madhya Pradesh.

---- Applicants**Versus**

State of Chhattisgarh, through : the Station House Officer, Police Station City Kotwali, District Raipur Chhattisgarh.

---- Respondent

For Applicants : Ms. Sharmila Singhai, Advocate

For Respondent/State : Mr. Hamida Siddiqui, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/08/2021**

1. This is the first bail application 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.76/2021, registered at Police Station – City Kotwali, District – Raipur (C.G.) for the offence punishable under Section 20(B) of the N.D.P.S. Act
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 23.03.2021. Charge-sheet in this case has been filed. No offence has been committed by these applicants. Therefore, it is prayed that the applicants may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it is case of seizure of contraband, which is more than small

quantity but less than commercial quantity, which was seized from the applicants. Both the applicants are residents of Madhya Pradesh, and if they are released on bail, they may not be available for trial. Hence, it is prayed that the applicants may not be released on bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on the date of incident, the police personnel of Police Station – Kotwali, Raipur made seizure of 15.5 Kg. of Ganja from the possession of the applicant No.1, while the applicant No.2 was also in his company.
6. Considered on the submissions. It appears that charge-sheet in this case has been filed and the case is now pending for trial, there appears to be no criminal antecedents against the applicants and there is likelihood of delay in conclusion of trial, hence, for these reasons, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge