

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5274 of 2021**

1. Sushen Bepari S/o Jagendranath Bepari Aged About 40 Years R/o M.V. 84 Padamgiri, P.S. Malkangiri, District- Malkangiri, Odisha.
2. Sukanto Mandal S/o Pravir Mandal Aged About 30 Years R/o M.V. 50, Balimela Police Station Malkangiri, District- Malkangiri, Odisha.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Dornapal, District- Sukma, Chhattisgarh.

---- Respondent

For the Applicants : Smt. Kiran Jain, Advocate.
 For the Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.09.2021**

Heard.

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.35 of 2020, registered at Police Station – Dornapal, District – Sukma, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 39 and 192 of the Motor Vehicles Act.

2. Learned counsel for the applicants submits that the applicants are in jail since 8.10.2020 and have been falsely implicated in this case. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case. Hence, it is prayed that the applicants be enlarged 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 the quantity of ganja (narcotic substance) that has been found in possession of these applicants was more than commercial quantity. Hence, for these reasons, the applicants are not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The police personnel of police station Dornapal, District Sukma made a seizure of 131.670 kg of ganja from the possession of these applicants, which was being transported in a vehicle. Hence, this case.

6. Considered the submissions and the facts present in this case. Perused the certified copy of the deposition of the witnesses of search and seizure and it was found that they have not supported the prosecution case. Hence, looking to this development, I feel inclined to grant regular bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 trial Court, for their appearance as and when directed. In case any default is committed by the

applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi