

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5923 of 2021

1. Ashok Tiwari S/o Baburam Tiwari, Aged About 33 Years, Cast Bramhan, permanent resident of Village Rohira, Thana and Tahsil Sevda, District - Datiya (Madhya Pradesh) at present Resident of Village Chirgaon, District Jhansi (Uttar Pradesh), District : Jhansi, Uttar Pradesh
2. Raghvendra Tiwari Son of Omprakash Tiwari, Aged About 28 Years, Cast Bramhan, permanent resident of Village Rohira, Thana and Tahsil Sevda, District - Datiya (Madhya Pradesh) at present Resident of Village Chirgaon, District Jhansi (Uttar Pradesh), District : Jhansi, Uttar Pradesh

---- Applicants

Versus

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

----Non-applicant

For Applicants – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-09-2021

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 16-07-2021 in connection with Crime No.383/2021 registered at P.S. - Basna, District - Mahasamund, Chhattisgarh for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act.
2. It is submitted on behalf of the applicants, that the applicants have been falsely implicated. They are in jail since 16-07-2021. No offence has been committed by these applicants. Therefore, it is prayed that they may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that these applicants are residents of Uttar Pradesh, therefore, if they are granted bail, they may not be available for trial. Hence, the application

may be rejected.

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

5. 15.1 kg. ganja was seized from the joint possession of both these applicants. Hence, this case.

6. Considered on the submissions. For the reason that there appears to be no criminal antecedent against these applicants and that there is likelihood of delay in investigation and trial, 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