

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5727 of 2021

- Ravi Sahu S/o Dhanpat Sahu, Aged About 26 Years, R/o Ward No.12 Kotma, Thana-Kotma, District-Anupur, Madhya Pradesh., District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-Hirri, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRC No. 5942 of 2021

- Prashant Sen S/o Mahendra Kumar Sen, Aged About 19 Years, R/o Bus Stand, Rewa (Madhya Pradesh), Presently R/o Pendra Road, Pendra (Chhattisgarh), P.S. Pendra, District Gaurela Pendra Marvahi (Chhattisgarh), District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through the Station House Officer, P.S. Hirri, District Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Vikash Pradhan, Advocate in MCRC No.5727 of 2021.
Mr. Umesh Verma and Ms. Neeta Tulsani, Advocates in
MCRC No.5942 of 2021.

For State/Non-applicant – Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

08-09-2021

1. As both these applications arise out of the same crime number, they are being decided by this common order.
2. Both these applications under Section 439 of the Cr.P.C have been filed by the applicants for grant of regular bail.

MCRC No. 5727 of 2021 has been filed by applicant Ravi Sahu as he has been arrested on 31-01-2021 in connection with Crime No.14/2021 registered at Police Station – Hirri, District- Bilaspur, Chhattisgarh for the offence under Section 20(b)ii(c) 28 and 29 of Narcotic Drugs and Psychotropic Substances Act (in short 'the N.D.P.S. Act).

MCRC No. 5942 of 2021 has been filed by applicant Prashant Sen as

he has been arrested on 01-02-2021 in connection with Crime No.14/2021 registered at Police Station – Hirri, District- Bilaspur, Chhattisgarh for the offence under Section 20(B)(C), 28, 29 of the N.D.P.S. Act.

3. Learned counsel for applicants submit that MCRC No.5942 of 2021 is first bail application filed before this Court by applicant Prashant Sen. MCRC No.5727 of 2021 is second bail application filed before this Court by applicant Ravi Sahu, his earlier bail application, MCRC No.2845 of 2021 was dismissed as withdrawn on 01-07-2021.

It is submitted that both these applicants are innocent who have been falsely implicated in this case. These applicants were not in conscious possession of the contraband that was seized from the vehicle. Hence, there is no case present against them. Therefore, it is prayed that they may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that seizure of 20 kg. Ganja has been made from the applicants, which is commercial quantity. Therefore, the applications may be rejected.

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

6. The police personnel of Police Station Hirri, District Bilaspur have made seizure of 20 kg. Ganja from applicants Ravi Sahu, Prashant Sen and two others. Hence, this case.

7. This Court has held in order dated 13-07-2021 passed in MCRC No.3009 of 2021 (Tool @ Bramhanand Patel Vs. State of Chhattisgarh) referring to the case laws cited that quantity of 20 kg. ganja shall be within commercial quantity as per definition under Section 2(viia) of the N.D.P.S. Act. Further, considering that these applicants do not have any criminal antecedent and that there is likelihood of delay in trial, I feel inclined to allow both these applications.

8. Consequently, both these applications filed by the applicants under

Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge