

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 06-01-2021Order delivered on 08-01-2021**MCRC No. 6285 of 2020**

1. Ajay Sunil Rao Shende S/o Shri Sunil Rao Shende, Aged About 27 Years R/o Ward No. 04, Haware Layout Sewagram P.S. Sewagram, District Wardha (Maharashtra)
2. Suraj Bhimrao Baidh S/o Shri Bhimrao Baidh Aged About 38 Years R/o Ward No. 03, Adarsh Nagar, Sewagram P.S. Sewagram District Wardha (Maharashtra)
3. Gourav Govind Rao Kapte S/o Govind Rao Kapte Aged About 23 Years R/o Baburao Deshmukh Layout Sewagram P.S. Varud, District Wardha (Maharashtra)
4. Amit Jayaswal S/o Raju Jayaswal Aged About 25 Years R/o Sunanda Taiwade No. 01 Ward No. 01 P.S. Wardha, District Wardha (Maharashtra)

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Bastar District Bastar Jagdalpur Chhattisgarh

---- Respondent

For Applicant :- Mr. Ashok Kumar Komra, Advocate
For Respondent /State :- Mr. Ayaz Naved, G.A.

Hon'ble Mr. Justice Prashant Kumar Mishra**CAV Order**

1. Heard.
2. The applicants have preferred this first bail application under Section 439 of CrPC, as they are arrested in connection with Crime No.123/2020, registered at Police Station Bastar

District Bastar Jagdalpur C.G., for the offence punishable under Section 20(B) (II) (C) of the NDPS Act.

3. While traveling in Wagon-R vehicle bearing registration No.CG-15-B-1724 the accused persons were found in joint illicit possession of 21 kgs. of ganja on 5-8-2020.
4. Learned counsel for the applicants would submit that the applicants had hired the vehicle for having Darshan of Goddess Danteshwari and visiting some places at Jagdalpur, however, they have been falsely accused of carrying ganja.
5. On the other hand, learned counsel for the State would oppose the bail application. According to him, provisions contained in Section 37 of the NDPS Act would apply because the applicants were found in joint illicit possession of more than the commercial quantity of ganja.
6. Having considered the material available in the case diary and having found that the applicants were found to be in joint illicit possession of ganja weighing 21 kgs., which is more than the commercial quantity, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application is rejected.

SD/-

(Prashant Kumar Mishra)
Judge

Gowri