

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6808 of 2021**

Sanjay Mandal, S/o. Shri Ranjan Mandal, aged about 31 years, R/o. Village New Colony Kapasi, Police Station - Pakhanjur, District- North Baster Kanker, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station- Pakhanjur, District- North Baster Kanker, Chhattisgarh.

---- Respondent**M.CR.C. No. 7267 of 2021**

1. Vikkey Tanti, S/o. Shri Prafulla, aged about 38 years, R/o. Aspatalpara, Ward No. 08 Pakhanjur, P.S. - Pakhanjur, Distt.- North Baster Kanker (Chhattisgarh).
2. Swapn Mali, S/o. Shri Gopal Mali, aged about 35 years, R/o. Village - Bade Kapsi, P.S. - Pakhanjur, Distt.- North Baster Kanker (Chhattisgarh).

---- Applicants**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station- Pakhanjur, District- North Baster Kanker, Chhattisgarh.

---- Respondent**AND****M.CR.C. No. 7347 of 2021**

Ramkumar Das, S/o. Jagdish Das, aged about 46 years, R/o. Bazarpara, Durgukondal, Tahsil and Police Station Durgukondal, District Kanker, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station- Pakhanjur, District- North Baster Kanker, Chhattisgarh.

---- Respondent

For Applicants (In M.Cr.C. No. 6808 & 7267 of 2021)	: Mr. Sunil Sahu, Advocate
For Applicant (In M.Cr.C. No. 7347 of 2021)	: Mr. Hemant Gupta, Advocate
For Respondent/State	: Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/09/2021

1. All the bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.
2. These are the first bail applications 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.95/2021, registered at Police Station – Pakhanjur, District – North Bastar Kanker (C.G.) for the offence punishable under Section 22 of Narcotics Drugs & Psychotropic Substances, Act, 1995.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants in M.Cr.C. No. 7267 of 2021 are in jail since 30.07.2021 and the applicants in M.Cr.C. 6808 & 7347 of 2021 are in jail since 13.08.2021. It is submitted that there is no seizure from the applicant Sanjay Mandal, he has been made accused only on the basis of memorandum statement given by the co-accused. Seizure made from the applicants Swapn Mali and Vikkey Tanti (in M.Cr.C. No.7267 of 2021) is of contraband more than small quantity but less than commercial quantity. These applicants do not have any criminal antecedents. Hence, it is prayed that the applicants may be released

on bail.

4. It is further submitted that the applicant – Ramkumar Das is the proprietor of medical shop, whose shop was searched by the police later on 14.08.2021 and nothing was found objectionable, subsequent to that some tablets have been seized from the motor cycle of this applicant, which were found kept in the motor cycle but not from this applicant. Therefore, there is no evidence present against this applicant regarding commission of offence. Hence, he may be granted bail
5. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that seizure of contraband made from the applicant Swapn Mali and Vikkey Tanti is more than small quantity and these applicants did not have any authority to keep such quantity in their possession. It is further submitted that quantity of the psychotropic substance seized from the motor cycle of the applicant – Ramkumar Das is more than commercial quantity and therefore, these applicants are not entitled for grant of bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per the prosecution case, police personnel of Police Station – Pakhanjur, District North Bastar Kanker, made seizure of 104 capsules from the possession of applicant- Swapn Mali having content of Tramadol, which is prohibited under N.D.P.S. Act, which is more than small quantity and less than commercial quantity and 112 capsules from the possession of Vikkey Tanti of Pronex Spas Plus having content of Tramadol, which is also more than small quantity but less than commercial quantity. No seizure has been made from the

applicant- Sanjay Mandal, however, his name has appeared in the memorandum statement of co-accused Vikkey Tanti as a person, who has supplied the medicine to him. The seizure of 656 tablets of Pronex Spas Plus having content of Tramadol was made from the motor cycle belongs to the applicant – Ramkumar Das, which is more than commercial quantity.

8. Considered on the submissions. As regards the applicants Sanjay Mandal, Vikkey Tanti and Swapn Mali, the case against them is of possession of contraband below commercial quantity. They do not have any criminal antecedents, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants Sanjay Mandal, Vikkey Tanti and Swapn Mali, should be enlarged on regular bail. As regards, the applicant Ramkumar Das, there is no direct seizure of contraband from his own possession, therefore, he has a ground in defence that he is the proprietor of medical store, hence on this basis, this Court is of the opinion that present is a fit case, in which, the applicant Ramkumar Das should also be enlarged on regular bail.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. 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