

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7410 of 2021**

1. Pibna Harijan, son of Raponga Harijan, aged about 30 years, residence of village Biripodi, post Manikera, P.S. Rampur, District Kalahandi (Odisha) (and others wrongly mention in cause title)

2. Nilu Manjhi, son of Gajachandra Manjhi, aged about 27 years, residence of village Biripodi, post Manikera, P.S. Rampur, District Kalahandi (Odisha) (In jail)

---- Applicants**Versus**

State of Chhattisgarh, Through Police Station – Dongripali, District Raigarh (C.G.)

----Non-applicant

For Applicants	:	Mr. Vikash Pandey, Advocate.
For Non-applicant	:	Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****25-10-2021**

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail in connection with Crime No. 58/2021 registered at Police Station Dongripali, District Raigarh (C.G.) for the offence punishable under Section 20(b) of The Narcotic Drugs and Psychotropic Substances Act, 1985 (henceforth "NDPS Act")

(2) According to the prosecution story, on the basis of information received from an informant, Police Personnel searched and seized total 10 kilograms contraband article *Ganja* from joint possession of applicants and thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicants would submit that applicants have falsely been implicated in the crime in question as no *prima facie* case is made out against

them. As per case of prosecution, 10 kilograms of contraband article Ganja has been seized from the joint possession of the applicants. He would further submit that the applicants are the rustic villagers and this is first crime registered against them, in which, they have been arrested on 17.07.2021; charge sheet has already been filed and trial is likely to take some more time for its final disposal, therefore, the applicants are entitled to be released on regular bail.

(4) Per contra, learned counsel appearing on behalf of the State while opposing the bail application would submit that applicants were caught red handed while carrying 10 kilograms contraband article *Ganja*, which is far more than the small quantity, as small quantity of the ganja is prescribed as 1000 gms. in the NDPS Act. He further submits that as per case diary, there is no previous criminal antecedents against the applicant.

(5) Considered the submissions made by counsel for the parties.

(6) Looking to facts & circumstances of the case, particularly the facts that quantity of seized contraband article ganja i.e. 10 kilograms, which is more than the small quantity but less than the commercial quantity; detention period of the applicants and the charge sheet has already been filed, as stated by counsel for the State, I feel inclined to grant bail to the applicants. Accordingly, the bail application is allowed.

(7) Accused/applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.50,000/- with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Certified copy, as per rules.

Sd/-
(N.K.Chandravanshi)
Judge

