

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7964 of 2020

Ashish Chandra S/o Chhotelal Chandra, Aged About 22 Years R/o Village Chiknidih, Tahsil And Thana Bilaigarh, District Baloda Bazar Chhattisgarh,
----Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Ratanpur, District Bilaspur Chhattisgarh
---- Respondent

MCRC No. 7983 of 2020

Nukeshwar Prasad Chandra S/o Balkrishna Chandra Aged About 31 Years R/o Village Beladula, Tahsil And Thana Jaijaipur, District Janjgir Champa Chhattisgarh
---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Ratanpur, District Bilaspur Chhattisgarh
---- Respondent

For Applicants	:	Shri Tapan Kumar Chandra, Advocate
For Respondent/State	:	Shri Lalit Jangde, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/02/2021

Heard.

1. The applicants have been arrested in connection with Crime No.552 of 2020 registered at Police Station-Ratanpur, District Bilaspur (CG) for the alleged commission of offence under Section 20(b) of NDPS Act.
2. Both the bail applications are being disposed off by this common order as they arise out of the same crime number.
3. Prosecution case is that on information the police intercepted and seized 11 kg. of ganja from the possession of the present applicants.
4. Learned counsel for the applicants would submit that the applicants have been falsely implicated and recovery of ganja has not been found from the possession of the applicants. False seizure has been prepared. Mandatory

provision has not been followed. It is also submitted that the investigation is complete, charge-sheet has been filed and that the applicants are in jail since 15.10.2020 and therefore, at this stage, looking to the quantity of ganja which is far less than commercial quantity, they may be granted bail.

5. On the other hand, learned counsel for the State opposes the prayer and submits that the entire proceeding of search and seizure have supported the case of the prosecution by the independent witnesses, therefore, prima facie case is made out.
6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that quantity of ganja alleged to have been seized from the possession of the applicants is far less than though the commercial quantity and further that investigation is complete, charge-sheet has been filed and that the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.
7. 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge