

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7888 of 2020**

- Naveen Jha S/o Parmanand Jha Aged About 27 Years Caste Brahman R/o Ganga Nagar Ward, Geedam Road, Near Dinesh Kirana Store, Jagdalpur, District Bastar, Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station – Jagdalpur, District – Bastar (CG)

---- Respondent

**&****MCRC No. 8186 of 2020**

- Kishore Das S/o Krishna Kumar Das Aged About 34 Years R/o Kumharpara Jagdalpur, District Bastar, Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Police Station Kotwali District Bastar, Chhattisgarh

---- Respondent

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|------------------------------|----------------------------------------------------|
| For Applicant - Naveen Jha : | Shri B.P. Sharma and Shri Subhash Yadav, Advocates |
| For Applicant – Kishore Das: | Shri Pravin Kumar Tulsyan, Advocate                |
| For State :                  | Shri Shubham Verma, Panel Lawyer                   |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****28/01/2021**

Both the applications are being disposed off by this common order as they arise out of the same crime number.

1. The applicants have been arrested in connection with Crime No.430/2020 registered at Police Station – Jagdalpur, District – Bastar (C.G.) for alleged commission

of offences under Section 21 of Narcotic Drugs and Psychotropic Substances Act.

2. Prosecution case is that the applicants were found transporting psychotropic substance namely Tramadol and according to the prosecution, total of 36 gms of Tramadol were seized from the possession of the accused.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in the alleged commission of offence. No seizure has actually taken place and false seizure has been made. It is submitted that investigation is complete, charge sheet has been filed and looking to the quantity that only 36 gms have been seized from the possession of the applicants whereas commercial quantity is 250 gms, the applicants may be granted bail.

4. On the other hand, learned State counsel would submit that as per the charge sheet, the applicants were intercepted and from their possession, 36 gms of Tramadol were seized. It is submitted that this is far more than the small quantity of 5 gms though lesser than commercial quantity. Therefore, *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the quantity of psychotropic substance allegedly seized from the possession of the applicant which is far less than the commercial quantity though more than small quantity and also taking into consideration that investigation is complete, charge sheet has been filed, the applicants are in jail since 23/09/2020, I am inclined to grant bail to the applicants.

6. Accordingly, both the applications are allowed. 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 Trial Court on the condition that -

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) They shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-  
( **Manindra Mohan Shrivastava** )  
Judge