

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7855 of 2021

1. Sadhram, S/o Shri Shivcharan Gond, Aged About 33 Years,
2. Maniram, S/o Shri Santuram Gond, Aged About 42 Years,

Both are R/o Village - Belpan Khapari, Police Station – Pachpedi,
District – Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station - Khallari, District – Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Shri Treveni Shankar Sahu, Advocate, on
 behalf of Shri Sunil Sahu, Advocate

For Respondent/State : Smt. Deepti Shukla, P. L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

30.11.2021

Heard.

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 24.09.2021 in connection with Crime No.191/2021 registered at Police Station- Khallari, District- Mahasamund (C.G.) for the offence punishable under Section 20-B of NDPS Act.
- 2) Allegation against the applicants is that they were found in illegal possession of 2kg of contraband Ganja.
- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the applicants

have no criminal antecedent under NDPS Act or Excise Act, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 24.09.2021 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application, however, she submits that the applicants have no criminal antecedents under NDPS Act.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, quantity of the seized contraband article cannabis, the detention period of the applicants, who are 33 & 42 years old, the fact that the applicants have no criminal antecedents under NDPS Act, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed.
- 6) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs. 2,00,000/- with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-
 - (a) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
 - (d) they shall not involve themselves in any offence of similar nature in future,
 - (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State

Government/Local Authority.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim