

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8153 of 2021

1. Rajesh Mahra S/o. Panchu Mahra, aged about 32 years, R/o. Amalai, Badka Tola, Ward No. 2, Thana Budhar, District Shahdol (MP)
2. Gopal Prasad Mahra, S/o. Lalchand, aged about 23 years, R/o. Amalai, Badka Tola, Ward No. 2, Thana Budhar, District Shahdol (MP)

---Applicants

Versus

State of Chhattisgarh Through The Station House Officer,
Police Station Hirri, District Bilaspur Chhattisgarh,

---Respondent

For Applicants : Mr. Vijyita Sahu, Advocate

For Respondent/State : Mr. Ishwar Jaiswal, Panel Lawyer

Hon'ble Smt. Justice Rajni Dubey

Order On Board

01/11/2021

This first application under Section 439 of the Code of Criminal Procedure has been filed by the accused/applicants, who are languishing in jail since 07.07.2021 in connection with Crime No. 102/2021 registered at Police Station Hirri, District Bilaspur (CG) for the offence punishable under Sections 21(b)(ii)(c) and 29 of Narcotic Drugs Psychotropic Substance Act, 1985.

2. As per the prosecution, the allegation against the applicants are that the applicants were found to be in possession of 28 Kgs Ganja. Subsequently, the case was

registered u/s 20(B) of the NDPS Act and the applicants were arrested on 07.07.2021 since then they are in jail.

3. Counsel for the applicants submits that the seizure was made from the trunk of the car and the same is not seized from the possession of the applicants. He further submits that the applicants are in jail since 07.07.2021, therefore, they may be enlarged on bail.
3. On the other hand, counsel for the State opposed the prayer for bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized ganja is 28 Kgs from the trunk of the car; offence is triable by Special Judge (NDPS Act), charge-sheet has been filed, and the applicants are in jail since 07.07.2021, this Court is inclined to release the applicants on bail.
6. Accordingly, the application is **allowed** and it is directed that on applicants furnishing a personal bond in the sum of Rs. 1,00,000/- with one solvent surety each to the satisfaction of the concerned Court, they shall be released on bail. The applicants however, shall ensure their appearance before the trial Court as and when so directed, till the disposal of the case. Order accordingly.

Sd/-
(Rajni Dubey)
Judge