

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8158 of 2021

1. Dipak Rathore S/o Topchand Rathore, Aged About 25 Years
R/o Bacharwar, Tahsil And Police Station Pendra, District
Gurela - Pendra - Marwahi Chhattisgarh.
2. Shailendra Rathore S/o Moolchand Rathore, Aged About 23
Years R/o Pendra Police Station Pendra, District Gurela -
Pendra - Marwahi Chhattisgarh., District
3. Sitaram Rathore S/o Kartik Rathore, Aged About 27 Years
R/o Pandripara, Tahsil and Police Station Pendra, District
Gurela - Pendra - Marwahi Chhattisgarh,

---- Applicants

Versus

State of Chhattisgarh, Through - Station House Officer,
Police Station Dongripali, District Raigarh Chhattisgarh,
District : Raigarh, Chhattisgarh

---Respondent---

For Applicant : Mr. Ashish Gupta, Advocate

For Respondent/State : Mr. Ravi Maheshwari, 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/applicant, who are languishing in jail since

26.09.2021 in connection with Crime No. 70/2021 registered at Police Station Dongripali District Raigarh (CG) for the offence punishable under Sections 20 (B) 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 10 Kgs Ganja. Subsequently, the case was registered u/s 20(B) of the NDPS Act and the applicants were arrested on 26.09.2021 since then they are in jail.
3. Counsel for the applicants submit that the seizure was made from the open place and not from the exclusive possession of the applicants. He further submits that the applicants are in jail since 26.09.2021, therefore, they may be enlarged on bail.
4. 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 10 Kgs; offence is triable by Special Judge (NDPS Act) and the applicants are in jail since 26.09.2021, 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

Ajay/Santosh