

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8172 of 2021**

1. Ankush Kumar Chandrakar, S/o Kanakram Chandrakar, aged about 32 years, R/o Village- Basuladabari, Police Station – Bagbahra, District Mahasamund (C.G.)
2. Premshankar Sahu, S/o Bhuneshwar Sahu, aged about -43 years, R/o Village- Temari, Police Station – Komakhan, District – Mahasamund (C.G.)
3. Tekram Sahu, S/o Chandramohan Sahu, aged about -19 years, R/o Village – Reechha, Post – Balkhedi, Barheta, Tahsil – Goregaon, District – Narsinghpur (M.P.)
4. Balram Manjhi, S/o Heerasingh Manjhi, aged about-34 years, R/o Village- Kurumpuri, Police Station – Lakhna, District – Nuapada (Odisha)

---- Applicants**Versus**

State of Chhattisgarh, Through – Station House Officer, Police Station – Chilfi, District Kabirdham (C.G.)

----Non-applicant

For Applicants	:	Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant	:	Mr. Ankur Kashyap, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****09-11-2021**

(1) The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail in connection with Crime No. 32/2021 registered at Police Station Chilfi, District Kabirdham (C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (henceforth “NDPS Act”)

(2) Case of the prosecution, in brief, is that on 26.9.2021 police official of Police Station Chilfi stopped the Xylo vehicle bearing registration No. MH-12-KN-2284 and

seized 9.680 kilograms of contraband article Ganja, which the applicants were carrying unauthorizedly in the aforesaid vehicle. Based on above facts, present crime is registered against the applicants.

(3) Learned counsel for the applicants would submit that applicants are innocent persons and they have wrongly been implicated in the crime in question, as the false seizure of alleged contraband article *Ganja* has been made. He would next submit that applicants are languishing in jail since 26.9.2021 and they have no previous criminal antecedents, therefore, the applicants are entitled for grant of bail.

(4) Per contra, Counsel for the State while opposing the submission made by counsel for the applicants would submit that quantity of seized contraband article Ganja from the possession of the applicants is far more than the small quantity. Investigation is still going on, hence, the applicants are not entitled for grant of bail.

(5) I have heard learned counsel for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstances of the case, quantity of seized contraband article ganja, which is intermediary quantity, detention period of the applicants and totality of the facts of the case, I feel inclined to grant bail to the applicants. Accordingly, the bail application is allowed.

(7) Accused/applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.50,000/- with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

