

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 8341 of 2021**

1. Ranjan Digal S/o Budhiya Digal, Aged about 28 years, R/o Village Desru, Police Station Gochhapada, Distt. Phoolbadi (Odisha).
2. Jay Digal S/o Kupa Digal, Aged about 28 years, R/o Village Desru, Police Station Gochhapada, Distt. Phoolbadi (Odisha).

---Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Baramkela, Distt. Raigarh, Chhattisgarh.

--- Non-applicant/State

For Applicants :- Mr. Jitendra Shukla, Advocate
 For State :- Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****21/12/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 291/2021, registered at Police Station – Baramkela, District Raigarh (CG), for the offence punishable under Section 20(b) of the NDPS Act.

2. Case of the prosecution, in brief, is that total of 5 kgs of ganja was recovered from the present applicants thereby, they committed the aforesaid offence.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in the crime in question. He would also submit that the applicants are in jail since 29/09/2021 and the quantity of ganja seized is though more than small quantity but it is less than commercial quantity, as such, the applicants be released on bail.
4. On the other hand, learned counsel for the State would oppose the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicants, pre-trial detention and the fact that the quantity of ganja seized is though more than small quantity but it is more than commercial quantity, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.1,00,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet