

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.8504 of 2021**

1. Abdul Saleem Son of Abdul Rasid, aged about 40 years, resident of Village-Bichhiya, District-Mandla (MP)
2. Rafiq Khan Son of Saleem Khan, aged about 42 years, resident of Village-Bua Bichhiya, District-Mandla (MP)
3. Suraj Jhariya Son of Ganpat Lal Jhariya, aged about 20 years, resident of Village-Bichhiya, District-Mandla (MP)

---Applicants**Versus**

State of Chhattisgarh Through Station House Officer, Police Station,
Kukanar, District-Sudma (CG)

---Non-applicant

For Applicants	:	Mr.Goutam Khetrapal and Ms Ashtha Sharma, Advocates
For Non-applicant	:	Mr.Lalit Jangde, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/12/2021**

1. This is the second 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. 10/2018, registered at Police Station-Kudanar, District Sukma (CG), for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called as 'NDPS Act').
2. First bail application of the applicants has been dismissed as withdrawn with liberty to file afresh after examination of material witnesses.
3. As per case of the prosecution, 101.350 kg. of ganja was recovered from the possession of the present applicants and one other co-accused.
4. Ms Ashtha Sharrma, learned counsel for the applicants, would

submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. She would further submit that one seizure witness Dharmendra Singh Bhadoriya has been examined, but he has not supported the case of the prosecution and all the family members are in jail since 31.5.2018, as such, the applicants be enlarged on regular bail.

5. On the other hand, Mr.Lalit Jangde, learned Government Advocate for the State, would oppose the bail application and submit that 101.350 kg. of ganja was recovered from the possession of the present applicants and one other co-accused, as such, it is not the case where privilege of bail should be granted to the applicants in view of the provisions contained in 37 (1) (b) of the NDPS Act.

6. I have heard learned counsel for the parties and perused the case diary.

7. Taking into consideration the nature & gravity of offence, facts & circumstances of the case, considering the fact that commercial quantity of 101.350 kg. ganja was recovered from possession of the present applicants and one co-accused and in view of the provisions contained in Section 37 (1) (b) of the NDPS Act, I do not find any good ground to entertain this bail application. Accordingly, the second bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-