



NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 3221 of 2023**

1. Ricky Yadav S/o Dhananjay Yadav Aged About 22 Years R/o Village Sidari, P.S. Sidari Chowk, District Azamgarh, Uttar Pradesh
2. Ravi Kharwar S/o Ramvriksh Kharwar Aged About 22 Years R/o Village Gambhirvan, P.S. Jahanaganj, District Azamgarh, Uttar Pradesh

---- Applicants**Versus**

- State of Chhattisgarh Through The Police Station Kabir Nagar, District: Raipur, Chhattisgarh

---- Non-Applicant

(Cause Title taken from Case Information System)

For Applicant : Mr. P.K.Tulsyan, Advocate

For Non-Applicant : Mr. Chandresh Shrivastava, Additional Advocate General

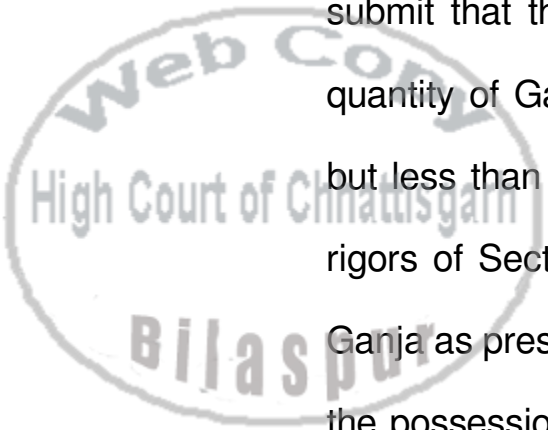
Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****20/06/2023**

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 applicant who has been arrested in connection with Crime No. 68/2023 registered at Police Station Kabir Nagar, District Raipur, for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic



Substances Act, 1985.

2. Case of the prosecution, in brief, is that on 24.03.2023, the police of Police Station Kabir Nagar received a secret information that some persons were transporting contraband article i.e. Ganja. The police conducted search in which 5.580 KG of Ganja from the possession of the applicant No. 1 and 5.690 KG of Ganja from applicant No. 2, total 11.270 KG. Accordingly, offence as above was registered against the applicants.
3. It has been argued by learned counsel for the applicants that the applicants have been falsely implicated in this case. He would further submit that there are no criminal antecedents of the applicants. The quantity of Ganja which has been seized is more than small quantity but less than commercial quantity and therefore, it will not attract the rigors of Section 37 of the NDPS Act as the commercial quantity for Ganja as prescribed under the Schedule is more than 20 KGs and from the possession of the applicants, only 11.270 KGs of Ganja has been seized. They are in jail since 24.03.2023 and conclusion of the trial would take quite long time. Thus, he would pray for grant of regular bail to the applicants.
4. On the other hand, learned counsel appearing for the State/non-applicant, while opposing the bail application, would submit that though there are no criminal antecedents of the applicant and the quantity of Ganja seized is more than the small quantity and further that the trial is under progress, the applicants are not entitled to be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.





6. Considering the above facts and circumstances of the case, particularly that there are no criminal antecedents of the applicant, the quantity of Ganja seized is less than the commercial quantity, the applicant are in jail since 24.03.2023 and conclusion of the trial may take some more time, this Court is of the view that the applicants are entitled to be released on bail in this case.

7. Let the Applicants-**Ricky Yadav** and **Ravi Kharwar** involved in Crime No. 68/2023 registered at Police Station Kabir Nagar, District Raipur, for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on their furnishing a **personal bond** with **two local sureties each** in the like sum to the satisfaction of the Court concerned with the following

conditions:-

(i) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence,





proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicants are deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

8. However, this Court hopes and trusts that the trial Court shall make an earnest endeavour to conclude the trial expeditiously in accordance with law, if there is no legal impediment.

9. Office is directed to send a copy of this order to the trial Court concerned for necessary information and compliance within one week from today.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE