

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2318 of 2015**

Kailash Sahu, S/o. Buddhu Ram Sahu, aged about 28 years,
R/o. Village Godatola, Tahsil Lormi, Police Thana Lormi,
Revenue District Mungeli, Civil District Bilaspur.

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station Lormi, Revenue
District Mungeli, Civil District Bilaspur.

---- Non-applicant

For Applicant	:	Shri Surendra Kumar Dewangan, Advocate
For Non-applicant	:	Shri Anant Bajpai, Panel Lawyer for the State.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

20/07/2015

Heard.

(1) This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.107/2015 registered at Police Station Police Thana Lormi, District Mungeli for the offence punishable under Section 20 B of the N.D.P.S. Act.

(2) Case of the prosecution, in brief, is that, the present applicant was found to have cultivated 21 plants of *Ganja* and thereby, committed the said offence.

(3) Learned counsel appearing for the applicant submits that the

alleged *ganja* plants were sent to the laboratory for chemical examination and FSL report is available in the charge-sheet only *ten ganja* plants were found and, as such, it is not established that the land from which they were seized belonging to the applicant as the *ganja* plant is sprouted by natural growth. He further submits that the applicant is in jail since 15.03.2015 and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State submits that only *10 ganja plants* have been found in FSL report.

(5) I have heard learned counsel for the parties and perused the case diary.

(6) Taking into consideration the entire facts and circumstances of the case; nature and gravity of the offence; and further considering the pre-trial detention of the applicant and the charge-sheet has already been filed; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-