

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3619 of 2015

- Kirat Bhoi, S/o Shri Kisbo, aged about 41 years, R/o Village -Saraypali, Civil & Revenue Distt.- Mahasamund (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station – Saraypali, Distt. Mahasamund (C.G.)

---- Respondent

For Applicant: Mr. Sunil Sahu, Advocate.
For Respondent/State: Mrs. Madhu Nisha Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/08/2015

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 413/2011 registered at Police Station – Saraypali, Distt. Mahasamund (C.G.) for the offence punishable under Section 20 (B)II(C) of Narcotic Drugs and Psychotropic Substances Act (henceforth “NDPS Act”)

(2) Case of the prosecution, in brief, is that present applicant was found in possession of 55 Kg. of *Ganja* unauthorisedly and,

thereby, committed the aforesaid offences.

(2) Counsel for the applicant submits that applicant has falsely been implicated in the crime in question as he has not committed any offence. He further submits that applicant is in jail since 17.09.2013; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(3) On the other hand, learned counsel for the State opposes the bail application.

(4) Having heard learned counsel for the parties, having regard to the facts and circumstance of the case and looking to the quantity of ganja and considering the provisions of Sections 37(1) (b) of the NDPS Act, I am of the opinion that it is not a fit case in which the accused/applicant should be granted regular bail. Accordingly, the bail application is rejected. However, the trial Court is directed to expedite the trial.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-