

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4172 of 2015**

Bhushan Chandrakar, S/o Late Ramji Chandrakar, aged about 55 years, R/o Village Dandesara Tahsil & P.S. Kurud, District Dhamtari (C.G.)

.....Applicant

Versus

State Of Chhattisgarh Through Police Station Kurud,
District – Dhamtari (C.G.)

---- Respondent

For Applicant:	Smt. Kiran Jain, Advocate.
For Respondent/State:	Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/08/2015

Heard.

(1) The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.152/2015 registered at Police Station – Kurud, District Dhamtari for the offences punishable under Section 20 (B) of the NDPS Act, 1985.

(2) The applicant's first bail application was dismissed as withdrawn by order of this Court dated 16.06.2015 passed in M.Cr.C. No. 2428/2015 as at that time applicant was discharged by the trial Court.

(3) Case of the prosecution, in brief, is that 1 kg. & 130 gm of ganja was seized from the possession of the applicant and, thereby committed the aforesaid offence.

(4) Learned counsel for the applicant submits that the applicant has not committed any offence and he has falsely been implicated in the crime in question; and even otherwise it is near to the small quantity prescribed under the provisions contained in NDPS Act; and he is in custody from 29.07.2015 and earlier he remained in jail for one and half months and, therefore, the applicant may be released on bail.

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

(6) Taking into consideration the facts & circumstances of the case; further considering the facts that applicant is in jail since 29.07.2015 and earlier he remained in jail for 1½ months; charge sheet has already been filed against the applicant; and the fact that as per provisions contained in the NDPS Act, quantity of ganja seized from the applicant i.e. 1 kg & 130 gm is small quantity, this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the 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

D/-

