

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6285 of 2015

1. Rameshwar, S/o. Munjram Verma, aged about 58 years, Occupation-Labour, R/o. Amora, Police Station – Nandghat, District Bemetara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station– Nandghat, District – Bemetara (C.G.)

---- Respondent

For Applicant	: Mr. Bharat Rajput, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2015

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.436/2015, registered at Police Station – Nandghat, District – Bemetara (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs Psychotropic Substance Act.
2. Case of the prosecution, in brief, is that on secrete information received, the police has recovered one plant of Ganja from the badi of the applicant and it was 9 fit hight.
3. Learned counsel for the applicant would submit that only one tree was recovered and he had not deliberately grown the cannabis tree. He would further submit that there was no mens rea. He would further submit that the applicant is in jail since 27.10.2015. He would further submit that considering the seizure, the applicant may be enlarged on

bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that the height of the cannabis is of 9 ft..
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into the fact the evidence available on record and the fact that one cannabis tree was found in the premises of the applicant and further taking into the nature of the offence, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge