

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3395 of 2015**

- Het Ram Dubey S/o Late Subedar, Aged About 36 years Caste : Brahman, R/o Kudmura, Police Station : Kartala, Revenue & Civil District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station : Excise Circle Korba, District Korba Chhattisgarh

---- Non-Applicant

For Applicant:	Shri P.K. Patel, Advocate.
For Non-Applicant/State:	Shri Lov Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****20/07/2015**

Heard.

(1) This is an 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.18/2015 registered at Police Station Excise Circle, Korba, District: Korba for the offences punishable under Sections 20(B) (II)(B) of the NDPS Act.

(2) Case of the prosecution, in brief, is that present applicant was found in possession of 5 Kg. of *Ganja*, which he was carrying unauthorizedly for sale.

(3) Counsel for the applicant submits that the statutory compliance as required under the NDPS Act has not been complied with while making seizure of the alleged *Ganja* and, therefore, the applicant may be released on bail.

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

(5) 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 fact that the applicant has to establish the fact of non compliance of the provisions contained in Section 20(B) of the NDPS Act during trial, 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.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-