

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7040 of 2015

Ashok Kumar Gaikwad, S/o. Dashraj Gaikwad, Aged About 52 Years,
Caste Satnami, Old, Ward Number 13, Bhathapara, Parsoda P.S.
Gunderdehi, District Balod, Civil & Revenue District Balod, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Gunderdehi,
District – Balod, Chhattisgarh

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.348/2015, registered at Police Station– Gunderdehi, District Balod (C.G.) for the offence punishable under Section 20(B) of NDPS Act.
2. Case of the prosecution, in brief, is that on 20.10.2015, the applicant was caught with 1.125 Kg of Cannabis and therefore the offence has been registered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the Cannabis were not seized from his possession, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Having regard to the facts and circumstances of the case and the quantity of Cannabis seized which is little more than small quantity i.e. 1.125 Kg and taking into fact that the charge sheet has been filed and the applicant is in jail since 20.10.2015, I am inclined to release the applicant on 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