

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3202 of 2015**

- Haridas, S/o Late Mohandas, Aged about 55 years, R/o Chandanpur (Rampur), Police Station Katghora, Caste Panika, Civil & Revenue District Korba (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer of Excise Department, District Korba (C.G.)

---- Respondent

For Applicant: Shri Shivang Dubey, Advocate.
For Respondent: Smt. Anusuiya Rajput, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/07/2015**

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. 282/15 registered at Police Station Excise Circle Korba District Korba for the offence punishable under Section 20(B)(ii) (b) of NDPS Act.

(2) The applicant's first bail application was dismissed on merits by order of this Court dated 23.03.2015 passed in M.Cr.C.

No. 1274/2015.

(2) Case of the prosecution, in brief, is that present applicant was found in possession of 2.5 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 second bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-