

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3561 of 2015**

- Heera Yadav, S/o Ridhai Yadav, Aged 53 years, R/o Village- Mahua Pani, P.S. Lormi, Distt. Mungeli (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: P.S. Lormi, Revenue Distt.- Mungeli, Civil Distt. Bilaspur (C.G.)

---- Non-Applicant

For Applicant: Shri R.K. Gupta, Advocate.
 For Non-Applicant/State: Shri Om. P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****27/07/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.172/2015 registered at Police Station –Lormi, Civil & Revenue District - Mungeli for the offence punishable under Section 20(A) of the NDPS Act.

(2) Case of the prosecution, in brief, is that on 8.4.2015 eleven Cannabis plants were seized from the possession of the applicant and, thereby the applicant has committed the aforesaid offence.

(3) Learned counsel for the applicant submits that the land, from which cannabis plants were alleged to have been recovered, is not owned and possessed by the present applicant; and it is sprouted by natural growth; even otherwise it is near to the small quantity

prescribed under the law, He further submits that the applicant is in jail since 08.04.2015 and, therefore, the applicant may be released on bail.

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

(5) Taking into consideration the facts & circumstances of the case; considering the dispute regarding ownership of the land, from which cannabis plants were recovered; and the fact that applicant is in jail since 8.4.2015, this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) 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/-