

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5580 of 2015

- Raja Sahu s/o. Tularam Sahu aged about 25 years r/o. village Bawali, Police Station Pathariya, Tahsil Pathariya, and District Mungeli Chhattisgarh.

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Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pathariya, District Mungeli Chhattisgarh.

For Applicant : Mr. Sudeep Agrawal, Advocate.

For Respondent : Mr. Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Inder Singh Uboweja**Order on Board****27 /11/2015**

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 on 20-09-2015 in connection with crime No. 232 of 2015 registered at Police Station Pathariya, District Mungeli (CG), for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short, "the Act, 1985").
2. Case of the prosecution, in brief, is that on 19-09-2015, present applicant was found in illegal possession of 3 kgs of Ganja in his house and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that there is no evidence to connect the applicant with the crime in question, he has been falsely implicated in the case as seized Ganja was recovered from the possession of the applicant and no mandatory provisions have been complied in the case by the prosecution under the provisions of the Act, 1985. He would further submit that there is over-writing in the *Mukhbir* Panchnama report, the applicant has no previous criminal antecedents, Ganja, which was allegedly to be recovered from the house of the applicant, is a less than commercial quantity, charge sheet has been filed, the applicant in jail since 20-09-2015 and no further custodial is

interrogation is required by the prosecution, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposing the bail application would submit that since Ganja has been seized from the possession of the applicant and the applicant has not offered any explanation as to how he came to be in possession of 3kgs of Ganja, therefore, he is not entitled to be released on bail.
5. Taking into consideration the facts and circumstances of the case and further taking into consideration that though 3kgs of seized Ganja is a less than commercial quantity but it is a huge quantity which was seized from the possession of the applicant and in view of the provisions contained in Section 37 (1)(b) of the NDPS Act, I am of the considered opinion that *prima facie* it is not a fit case where the applicant can be released on bail.
6. Accordingly, the instant M.Cr.C., is liable to be and is hereby rejected.

Sd/-
(I.S.UBOWEJA)
Judge