

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6657 of 2015

1. Madhav Singh, S/o. Ram Garib Singh, Caste-Gond, aged about 28 years, R/o. Budhu Singh Dafai Khogapani, P.S. Jhagarakhand, District Korea (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Jhagarakhand, District – Korea (Chhattisgarh)

---- Respondent

For Applicant	:	Ms. Anju Ahuja, Advocate
For Respondent/State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.178/2015, registered at Police Station – Jhagrakhand, District – Korea (C.G.) for the offence punishable under Section 20 (1) (a) of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that on raid being conducted on 20.10.2015, 2-5 cannabis plants were recovered from the court-yard of the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. She would further submit that cannabis plants were not in conscious possession of the applicant and it was seized from open place i.e. Badi. She would further submit that there are other persons occupier and the place where from the cannabis plants were recovered do not exclusively belonged to the

applicant. She would further submit that the applicant is in jail since 20.10.2015, therefore, she prays that the applicant may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the case diary. Perusal of the documents would show that three plants and two buds were recovered. Taking in to the quantity and the place of seizure and the evidence which is collected by the prosecution, without any observation on merits this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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