

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4648 of 2015**

Dilip Kumar son of Kholbahra Shikari, aged about 50 years, resident of Matiyari, Police Station-Seepat, District-Bilaspur (CG)

---Applicant**Versus**

State of Chhattisgarh Through : Station House Officer, Police Station-Seepat, District-Bilaspur (CG)

---Non-applicant

For Applicant	:	Ms Nirupama Bajpai, Advocate
For-Non-applicant	:	Mr.O.P.Sahu, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22/09/2015**

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.168/2015, registered at Police Station-Seepat, District-Bilaspur (CG), for the offence punishable under Section 20-B of the Narcotic Drugs Psychotropic Substances Act.
2. Case of the prosecution, in brief, is that the present applicant was found in possession of 1.20 kg. of contraband article ganja and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. She would further submit that recovery of contraband article ganja is of small quantity. The present applicant has been convicted in Special S.T.No.6/2010 and sentenced him to undergo R.I. for four years by the

judgment dated 1.7.2011. She would also submit that sentence awarded in that case has been suspended by order dated 18.10.2011, he is in jail in the present case since 9.8.2015 and therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Fact remains that the applicant was convicted for an offence under Section 20(b) (ii) (B) of the NDPS Act by the Special Judge (NDPS), Bilaspur on 1.7.2011 and he was released on bail on 18.10.2011 and thereafter he appears to have found involved for an offence under Section 20-B of the NDPS Act and arrested on 9.8.2015 and thus, considering his criminal antecedent and act of the applicant in involving in commission of alleged offence punishable under provisions of NDPS Act after conviction and grant of bail by this Court, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-