NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 5566 of 2015

- Nihar Kant Burman, S/o Late Suresh Burman, aged about 66 years, R/o Shastri Nagar, Ward No. 21, Dalli Rajhara, P.S. Dalli Rajhara, Tah. Doundi, Distt. Balod (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station, -Dalli Rajhara, Distt. Balod (C.G.)

---- Non-applicant

For Applicant: Mr. M.P.S. Bhatia, Advocate.
For Respondent/State: Mr. R.K. Mishra, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/10/2015

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. 286/2015 registered at Police Station Dalli Rajhara, Distt. Balod for the offence punishable under Section 20(b)(ii)(B) of the NDPS Act.

(2) Case of the prosecution, in brief, is that present applicant was found in possession of 3.800 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 bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-