

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5392 of 2015**

- Sheikh Amir, S/o Shekhar Ramjan, aged about 38 years, R/o Near Meena Talkies, Tahsil Katghora, Civil and Revenue District Korba (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: District Magistrate, Korba, District Korba (C.G.)

---- Non-applicant

For Applicant:	Mr. Amarnath Pandey, Advocate.
For Respondent/State:	Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/10/2015**

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.101/2015 registered at Police Station Excise Circle, Korba, District Korba for the offences punishable under Section 20(B) & 2(B) of NDPS Act.

(2) Case of the prosecution, in brief, is that present applicant was found in possession of 5 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.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-