

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 56 of 2016

Shaukidas Mahant, S/o. Manohardas, Aged about 42 years, R/o. Village Raikera, P.S. Gharghoda, District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Kapu, District Raigarh (C.G.)

---- Respondent

For Applicant	:-	Mr. Manoj Kumar Jaiswal, Advocate
For Respondent/ State	:-	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 110/2015 registered at Police Station- Kapu, District – Raigarh (C.G.) for the offence punishable under Sections 20-B N.D.P.S. Act.
2. As per the prosecution, it is alleged that the applicant was found carrying 1 Kg. Ganja on 13.12.2015 in the motorcycle bearing registration No. C.G.13 U.C. 9580. Subsequently, the case was registered u/s 20 B of NDPS Act and the applicant was arrested in connection with the said offence.
3. Counsel for the applicant submits that the applicant has been falsely implicate in this case. He further submits that the quantity of seized contraband (Ganja) is only 1 Kg, and offence is triable by the JMFC. He further submits that the seizure has already been made and there

is no evidence is required. He further submits that the applicant is in jail since 13.12.2015, therefore, he may be enlarged on bail.

4. State counsel opposes the prayer for grant of bail.
5. Having regard to the fact that the quantity of seized Ganja was 1 Kg; offence is triable by the JMFC and the applicant is in jail since 13.12.2015; this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge