

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.309 of 2016

1. Butanu Baiga, S/o Fagu Baiga, aged 55 years
2. Vishvanath Baiga, S/o Ramlal Baiga, age 25 years

Both R/o Village Surhi, Chauki Khudiya, P.S. Lormi, Distt. Mungeli C.G.

---- Applicants

Versus

State of C.G., Through P.S. Lormi, Distt. Mungeli, Revenue Distt. Bilaspur C.G.

---- Non-applicant

For Applicants:	Mr. Raj Kumar Gupta, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/02/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.506/2015, registered at Police Station Lormi, Distt. Mungeli, for the offence punishable under Section 20 (A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, on 3-11-2015, eleven cannabis plants were seized from the possession of the present applicants and thereby they have committed the offence.
3. Learned counsel for the applicants would submit that the land, from which the cannabis plants were alleged to have been recovered, is not owned and possessed by the present applicants, it is owned and possessed by one Kodi Bai, and the said cannabis plants were sprouted by natural growth, even otherwise, it is near to the small

quantity prescribed under the law. He would further submit that charge-sheet has been filed and the applicants are in jail since 3-11-2015, therefore, they may be released on bail. He would place reliance in the matter of **Alakh Ram v. State of U.P.**¹

4. On the other hand, learned State counsel would oppose the application.
5. I have heard learned counsel for the parties and gone through the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, considering the dispute regarding ownership of the land from where cannabis plants were recovered, the fact that the applicants are in jail since 3-11-2015, I am of the view that it is a fit case to grant bail to the applicants. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma

¹ (2004) 1 SCC 766