

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 454 of 2016**

- Sukhram, son of Budhram Pal, aged about 80 years, resident of village-Khamtarai, Police Chowki-Kandarka, Police Station – Berla, District – Bemetara (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through the Station House Officer, Police Station Berla, District-Bemetara (C.G.)

---- Respondent

For Applicant: Ms. Sharmila Singhai, Advocate.
 For Respondent/State: Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/02/2016**

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. 240/2015 registered at Police Station Berla, District Bemetara (C.G.) for the offence punishable under Section 20(b) of Narcotic Drugs & Psychotropic Substance Act.

(2) Case of the prosecution, in brief, is that the applicant planted *Ganja* in his field and on 29.10.2015, jurisdictional police visited agricultural field belonging to the applicant and seized 25 plants of *Ganja* allegedly planted by the applicant and also 36 small plants of *Ganja* planted by him and thereby committed the

aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence and all plants allegedly seized were the small plants and the land in which the ganja plants are said to have been planted belongs to one Goutam, S/o Devi Singh and the applicant is neither owner of the land in dispute nor he is possession holder of the said land. He further submits that applicant is in detention since 30.10.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; and considering the dispute as to the title of the land in which ganja was allegedly planted; further considering his pre-trial detention; and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge

