

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 472 of 2016**

- Nakul Sharma, aged about 28 years, S/o Ramkalyanji Sharma, R/o Ahiro Ki Basti, Borkhedha, Police Station -Budhodhat, District Kota, State Rajasthan

---- Applicant**Versus**

- State Of Chhattisgarh Through SHO, Police Station GRP, District Raipur (C.G.)

---- Non-applicant

For Applicant: Mr. Vikram Singh, Advocate.
 For Respondent/State: Mr. D.R.Minj, Deputy 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. 230/2015 registered at Police Station GRP, District Raipur (C.G.) for the offences punishable under Section 20B of the N.D.P.S 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/-