

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1176 of 2016

- Suresh Kumar Kurre S/o Bharat Das Kurre Aged About 45 Years Caste Satnami, Occupation Cultivator, R/o Village Baghuli, Police Station Dadhi, District Bemetara, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Dadhi, District Bemetara, Chhattisgarh. ---- **Respondent**

For the applicant	:	Ms. Sharmila Singhai, Advocate
For the Respondent	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10.03.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant who has been arrested in connection with Crime No. 11/2016 registered at P.S. Dadhi, District Bemetara (C.G) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The case of prosecution, in brief, is that the applicant has cultivated 46 cannabis plants in his land owned by him and thereby committed the offence.
3. Learned counsel for the applicant submits that the land from which the alleged cannabis plants have been seized is not owned by the applicant and he has been falsely implicated in crime in question and he has not committed any offence. She further submits that though the applicant has been arrested on 05.02.2016, but no documents are shown to

prove that the land is owned by him. She further submits that the charge sheet in this case has been filed and looking to pre-trial detention of the applicant, he may be enlarged on bail.

4. On the other hand, learned State Counsel opposes the bail application.
5. Taking into consideration the facts and circumstances of the case and considering the dispute as to the title of the land in which the cannabis plants are said to have been cultivated and further considering the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 05.02.2016, this court is of the opinion that present is a fit case to enlarge the applicant on bail.
6. Accordingly, the application filed u/s 439 Cr.P.C., is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court on each and every date as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
SANJAY K. AGRAWAL
JUDGE