

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1263 of 2016**

Ashwani Sahu, son of Kartik Ram Sahu, aged about 22 years, resident of Sasha Mauhapara, Police Station -Pamgarh, District -Janjgir-Champa (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through : Station House Officer, Police Station -Pamgarh, District Janjgir -Champa (C.G.)

-----Non-applicant

For Applicant: Shri Anup Majumdar, Advocate

For Non-applicant /State: Shri Neeraj Kumar Sharma, Dy. GA .

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/03/2016**

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.28/2016 registered at Police Station – Pamgarh, District Janjgir-Champa for the offence punishable under Section 20 (B) of the NDPS Act, 1985.

(2) Case of the prosecution, in brief, is that 1.8 kg. of ganja was seized from the possession of the applicant and, thereby the committed the aforesaid offence.

(3) Learned counsel for the applicant submits that the

applicant has not committed any offence and he has falsely been implicated in the crime in question; and even otherwise it is near to the small quantity prescribed under the law and, therefore, the applicant may be released on bail.

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

(5) Taking into consideration the facts & circumstances of the case; further considering the facts that applicant is in jail since 04.02.2016; and fact that as per provisions contained in the NDPS Act, quantity of ganja seized from the applicant is small quantity, 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.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-