

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1335 of 2016

Madan Rajput S/o. Vijay Bahadur Rajput, aged about 49 years, R/o. Dak Bangla Para, Ward No. 8, Gariyaband, Post Office and Police Station Gariyaband, District Gariyaband (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through, through Station House Officer, Police Station Gariyaband District Gariyaband (C.G.)

---- Respondent

For Applicant	:-	Mr. Shivendu Pandya, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

01/03/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 167/2015 registered at Police Station- Gariyaband, District Gariyaband (C.G.) for the offence punishable under Section 20(B) of Narcotics Drugs and Psychotropic Substance Act. The first bail application of the applicant was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet before the Trial Court on 21.12.2015 in M.Cr.C. No. 7136/2015.
2. As per the prosecution case, on 31.10.2015 an information received that the applicant was carrying cannabis. During the course of search, it was found that the applicant was in possession of 1.300 Kg of cannabis. Subsequently, the case was registered u/s 20 B of NDPS Act

and the present applicant was arrested on 31.10.2015 and since then he is in jail.

3. Counsel for the applicant submits that this is second bail application, the first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet on 21.12.2015 in M.Cr.C. No. 7136 of 2015. He further submits that the charge-sheet has been filed in this case and considering the quantity of seized cannabis, the applicant may be enlarged on bail.
4. State counsel opposes the prayer for grant of bail.
5. Perused the case diary. Perusal of the case diary, would show that this fact is not in dispute that the charge-sheet in this case has been filed. Taking the quantity of seized cannabis i.e. 1.300 Kg and the seizure has already been made, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge