

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2340 of 2016

- Puniram Yadav S/O Dukhram Yadav Aged About 28 Years R/O Village - Sukulkari, Police Chawki - Pachpedi, Police Station - Masturi, Civil & Revenue District - Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police Station - Masturi, Civil & Revenue District - Bilaspur Chhattisgarh (Wrongly Mentioned District Mungeli) Chhattisgarh

---- Respondent

For Applicant : Mr. Paras Mani Shriwas, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 22-03-2016 in connection with Crime No. 132 of 2016, registered at Police Station Masturi, District Bilaspur (CG) for the offence punishable under Section 20(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per case of the prosecution, on 22-03-2016 from the premises of the applicant two cannabis plants were recovered which were weighing 2.680 kg.
3. Learned counsel appearing for the applicant would submit that the two cannabis plants were recovered from a badi which is in open place and the said cannabis plants were not seized from the house of the applicant which is evident from the documents and

he was not in possession of the said cannabis plants. He would further submit that the applicant has been in jail since 22-03-2016 and no further investigation is necessary, therefore, the present applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents which show that the said cannabis plants were recovered in open place.
6. Taking into consideration all the facts and circumstances of the case, degree of allegation leveled against the applicant, quantity of Ganja and the fact that the applicant is in jail since 22-03-2016, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju