

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2779 of 2016

Suresh Dewangan S/O Radhey Shyam Dewangan Aged About 36
Years R/O Village Pendrawani, Out Post Kanwar, P.S. Gurur, District
Balod, Chhattisgarh

---- **Applicant**

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Gurur, District Balod, Chhattisgarh.

---- **Respondent**

For Applicant	:-	Mr. N.K. Chaterjee, Advocate
For Respondent/ State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

13/06/2016

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 in connection with Crime No. 196/2016 registered at Police Station- Gurur, District Balod (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
2. As per the prosecution case, on information being received, a raid was made and from the *Badi* of the applicant four plants of cannabis weighing 5.600 gram was recovered, thereby the offence has been committed.
3. Counsel for the applicant submits that the *Badi* which is an open place could have made access by anyone and the house is recorded in the name of four persons along with the applicant therefore, exclusive possession can not be attributed to this applicant. He further submits that the charge-sheet has been filed

and the applicant is in jail since 16.03.2016, therefore, he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. Perusal of the case diary would show that the house and the land which is recorded in the joint name and further taking into the fact that the charge-sheet has been filed and the applicant is in jail since 16.03.2016, further taking into the fact that number of plant so recovered, this Court is of the opinion, that present is a fit case, in which, the applicants should be enlarged on regular 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 their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge