

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3856 of 2016

1. Shyamlal, S/o. Late Itwari Sahu, aged about 46 years, R/o. Village-Bhaisamudi, Police Station – Mungeli, Civil District Bilaspur, Revenue District – Mungeli (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Station – Mungeli, Civil District-Bilaspur, Revenue District – Mungeli (C.G.)

---- Respondent

For Applicant	: Mr. Sunil Otwani, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.219/2016, registered at Police Station – Mungeli, District – Mungeli (C.G.) for the offence punishable under Section 20B of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that on 01.05.2016 on a raid being conducted from the kitchen garden (Badi) of the applicant, 21 cannabis plants were recovered. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant was not in exclusive possession of the said *Badi* and it was recorded in the

name of other brothers also, therefore, the allegations can not be attributed to this applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 02.05.2016. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Perusal of the document prima-facie shows that 21 trees were recovered from the *Badi* of the applicant. Considering the number of trees and size as also it appears that *Badi* was in possession of the applicant. Considering such facts I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge