

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4708 of 2016

- Laxman Thakur S/o Shri Arjun Thakur Aged About 35 Years
By Caste Markam, R/o Village Saipara, P.S. Saipara, Tahsil
Civil & Revenue District Jabalpur, Madhya Pradesh. ---
Petitioner

Versus

- State of Chhattisgarh Through The P.S. Saraipali, District
Mahasamund, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. J.A. Lohani, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 409 of 2015 registered at P.S. Saraipali, Distt. Mahasamund (C.G) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on 18.10.2015 on an information received that the applicant is in possession of contraband Ganja a raid was conducted and on such raid, 6 Kgs., of Cannabis was recovered from the possession of the applicant thereby the offence is committed.
3. Learned counsel for the applicant would submit that the charge has been framed on 18.02.2016 and thereafter no evidence could be recorded and the case was transferred to Saraipali where the court is vacant and also the Special Public Prosecutor is not appointed, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. The quantity of recovered Ganja from the applicant is 6 Kgs.
Therefore, looking to the quantity of Ganja seized from the applicant, the facts that the charge has been framed and the court is vacant and there has been some delay in appointment of Special Public Prosecutor cannot be made grounds for consideration of bail. Hence, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE