

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5139 of 2016

- Mohammed Safar Khan S/o - Late Sheikh Rehmat Aged About 50 Years R/o - Shitlapara, Nawapara, Police Station - Gobra Nawapara District - Raipur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through : Police Station - Gobra Nawapara, District - Raipur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. D.K. Gwalre, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.09.2016

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. 145 of 2016 registered at P.S. Gobra Nawapara, Distt. Raipur (C.G) for the offence punishable under Section 20(b) [according to learned counsel 20(b)(ii)(c)] of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on 03.07.2016 an information was received that the applicant was selling cannabis in house house. On such information a raid was conducted in the premises of applicant wherein the police has seized 5.200 Kgs., of Ganja from the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the FIR would show that the recovery was made on 21st hour i.e., at 9 p.m., in the night of 03.07.2016 but before 10 minutes of that time i.e., 21:50 hours, the recovery was already made and it is further submitted that two sample

packets of 250 grams each were taken out but in the Malkhana the deposited quantity of two sample plackets were shown to be of 200 grams each which would show that verification was done after the weighment of the goods, therefore, the applicant has been falsely implicated and he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents. Prima facie it appears that from the possession of applicant, 5.200 grams of cannabis was recovered. The argument which has been raised by the applicant can be appreciated only after the material evidence is adduced before the trial Court and after examination of such evidence. Therefore at this stage it would not be appropriate for this Court to entertain such argument.
6. Considering the alleged recovery and quantity of Ganja, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**