

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7300 of 2015

1. Damru Patel, S/o. Shri Motiram Patel, aged about 45 years, R/o. Village – Chikhali, Thana- Kasdol, Civil & Revenue District – Balodabazar-Bhatapara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station - Kasdol, Civil & Revenue, District – Balodabazar-Bhatapara (C.G.)

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2016

1. This is the second 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.426/2015, registered at Police Station – Kasdol, District – Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 20-B of the Narcotic Drugs and Psychotropic Substance Act. The earlier bail application was dismissed on 17.11.2015.
2. Case of the prosecution, in brief, is that on 17.10.2015, on secrete information received that the applicant is involving in the sale of illegal contraband Ganja. Thereafter, the police personnel proceeded and on search recovered 1.400 kg contraband Ganja from the house of the applicant.
3. Learned counsel for the applicant would submit that the applicant has been wrongly inculpated in the crime and he is innocent person. He would further submit that earlier bail application was dismissed on

17.11.2015, wherein the investigation was going on and now the charge sheet has been filed, therefore, after filing of the charge sheet, no further evidence is necessary. He would further submit that considering the recovery and quantity of the contraband i.e. 1.400 kg cannabis and further considering the fact that the applicant is in jail since 17.10.2015, the he 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 and perused the case diary.
6. Perusal of the case diary shows that charge sheet has been filed. As prima-facie appears that seizure was made from the house of the applicant. Considering the fact that charge sheet do not show any document regarding ownership of the house of the applicant that he is sole inmate and further considering the quantity of the cannabis of 1.400 kg and taking into the fact that the applicant is in jail since 17.10.2015, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge