

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7435 of 2015

1. Kaushal Berman, S/o. Janak Barman, aged about 35 years, R/o. Village-Pardeshi-Kanpa, Chowki-Chilfhi (Wrongly mentioned as Police Station Chilfhi Chowki), Post Office and Police Station – Lormi, District – Mungeli (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station – City Kotwali, Rajnandgaon, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/01/2016

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.42/2015, registered at Police Station – City Kotwali, Rajnandgaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substance Act.
2. Case of the prosecution, in brief, is that on 17.01.2015 on a secrete information received police has raided the spot where the applicant was keeping illicit Ganja and from the possession of the applicant 1.676 KG Ganja was recovered.
3. Learned counsel for the applicant would submit that the applicant is in jail since 17.01.2015 i.e. for almost one year. He further submits that out of 24 witnesses, 5 witnesses have been examined. He further submits that applicant has almost suffered considerable part of

sentence, therefore, 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. Perused the case diary and the charge-sheet. Taking into consideration, the facts of this case and quantity of the contraband seized from the applicant, which is of 1.676 kg Ganja and further taking into the fact that the applicant is in jail since 17.01.2015 and considerable time has passed, therefore, comparing with quantity of the cannabis seized and the detention and further considerable part of prosecution witnesses are still to be examined, 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