

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7482 of 2015

1. Jugeshwar Gupta, S/o. Late Shri Shivnarayan Gupta, aged about 45 years, R/o. Village-Lava, Police Chowki : Vijay Nagar, Police Station Ramanujganj, Tahsil Ramanujganj, Tahsil-Ramanujganj, District – Balrampur-Ramaujganj (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Ramanujganj, District - Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicants : Mr. Madhunisha Singh, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/01/2016

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.155/2015, registered at Police Station – Ramanujganj, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 20 (B) of Narcotic Drugs and Psychotropic Substances Act. The first application was dismissed as withdrawn on 17.11.2015 with liberty to move again after filing of the charge sheet.
2. Case of the prosecution, in brief, is that in the house of the applicant, one plant of cannabis was recovered. Thereafter, the offence was registered against the applicant and after investigation the charge-sheet has been filed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the

applicant has not implanted any plant of cannabis and only one plant was available in the yard, which also do not belong to the applicant and it was in the open place. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 12.10.2015, 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 and perused the case diary.
6. Taking into the fact that only one plant of cannabis was recovered and it is to be established that the area from where the plant was recovered were exclusively in the possession of the applicant. Taking in to the evidence and the number of plant as only one plant was recovered and the fact that the applicant is in jail since 12.10.2015 and the charge-sheet in this case has been filed, 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