

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2 of 2016

1. Sayyad Amir, age about 35 years, S/o. Shri Sayyad Salim, R/o. Prem Nagar, Gudhiyari, P.S. - Gudhiyari, Raipur, District (Revenue and Civil) – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Khamtarai, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. Yogesh Pandey, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/01/2016

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.289/2015, registered at Police Station – Khamtarai, District – Raipur (C.G.) for the offence punishable under Section 20-B of Narcotic Drugs and Psychotropic Substance Act, 1985.
2. Case of the prosecution, in brief, is that the on 18.08.2015 on receiving secrete information that the applicant possessed contraband in his Pan shop thereafter, his shop was raided and from the different packets i.e. total 8 packets, 5 kg 340 grams of Cannabis were recovered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that total contraband seized is 1.00434 kg, which is little above from the small quantity and the police has made case of 5 kg, 340 grams. He would

further submit that charge-sheet in this case has been filed and the applicant is in jail since 08.08.2015, 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. Perused the charge-sheet as also the weighment panchnama, wherein it is stated that 0.700 gram and so on recovered from the different packets and total weight of cannabis is 5 kg and 340 grams, therefore, considering the cannabis so recovered, prima-facie it appears that it was recovered from the possession of the applicant. Considering the quantity of the cannabis seized, this Court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge