

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 445 of 2016**

1. Savan Baiga S/o Methu Baiga aged 50 years
 2. Sajan Baiga S/o Savan Baiga age 27 years
- Both R/o village Surhi Chauki Khudiya P.S. Lormi District
Mungeli (C.G.)

---Applicants**Versus**

State of Chhattisgarh through P.S. Lormi District Mungeli
Revenue District Bilaspur (C.G.)

---Non-applicant

For Applicant	: Mr. Raj Kumar Gupta, Advocate
For Non-applicant	: Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/02/2016**

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 applicants who have been arrested in connection with Crime No. 505/2015, registered at Police Station Lormi, District Mungeli and Revenue District Bilaspur (C.G.), for the offence punishable under Section

20(A) of the Narcotic Drugs and Psychotropic Substance Act.

2. Case of the prosecution, in brief, is that on 03/11/2015, 14 cannabis plants were seized from the possession of present applicants and thereby they have committed aforesaid offence.

3. Learned counsel for the applicant would submit that the land, from which cannabis plants were alleged to have been recovered, is not owned and possessed by the present applicant and it is owned and possessed in the name of Kodi Bai; it is sprouted by natural growth; even otherwise it is near to the small quantity prescribed under the law. He would further submit that charge sheet has been filed and applicants are in jail since 03/11/2015, therefore, they may be released on bail. He would place reliance in the matter of **Alakh Ram v. State of U.P.**¹.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

¹ (2004) 1 SCC 766

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; considering the dispute regarding ownership of the land, from which cannabis plants were recovered; and the fact that applicants are in jail since 03/11/2015, this Court is of the opinion that present is the fit case, in which, the applicants 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 applicants namely Savan Baiga and Sajan Baiga shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE