

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.678 of 2016

Narendra Kumar, S/o Peela Singh Ranade, Caste Satnami, aged about 45 years, R/o Village Kunsh, Police Station Nandghat, District Bemetara, Civil District & Revenue District Bemetara, Chhattisgarh.

---- Applicant

Versus

The State of Chhattisgarh, through Police Station Nandghat, District Bemetara, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. A.K. Prasad, Advocate.
For Non-applicant:	Mr. Suvigya Awasthi, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.546/2015, registered at Police Station Nandghat, Distt. Bemetara, for the offence punishable under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that the applicant planted four cannabis plants in a place adjoining to his house and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, he has not cultivated the said plants, the land from where the plants were seized is not owned and possessed by the applicant, it is the Government land. It appears that the said plants have been sprouted by natural growth and therefore, the applicant has been

falsely implicated by filing charge-sheet against him. The applicant is in jail since 6-12-2015.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, evidence regarding ownership and possession of the land in dispute, number of plants, pretrial detention of the applicant and charge-sheet has been filed, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge