NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. No. 1316 OF 2016

Kuldeep S/o Sukhpati Tiwari age 21 years R/o Sewari P.S. Amelia District Sidhi (M.P.)

---Applicant

Versus

State of Chhattisgarh, Through P.S. Torwa District Bilaspur (C.G.)

---Non-applicant

For Applicant : Mr. Pragalbha Sharma, Advocate
For Non-applicant : Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/03/2016

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. 337/2015, registered at Police Station Torwa, District Bilaspur (C.G.), for the offence punishable under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Case of the prosecution, in brief, is that, 1 Kg. Ganja

was seized from the possession of the applicant and thereby the applicant has committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case; and even otherwise it is near to the small quantity prescribed under the law. He would further submit that applicant is in jail since 15/12/2015, therefore, he may be released on bail.

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.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; pretrial detention of the applicant; as per provisions contained in the NDPS Act, quantity of Ganja seized from the applicant is small quantity, this Court is of the opinion that present is the 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 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/-

(Sanjay K. Agrawal)
Judge

Tiwari