

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2391 of 2016

Bodhram Rathia S/O Narsingh Rathia Aged About 50 Years R/O Baihamuda,
Police Station Gharghoda, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station In Charge Officer, Police Station
Gharghoda, District Raigarh, Chhattisgarh.

---- Non-applicant

Mr. Ashish Gupta, Adv. for the applicant.

Mr. Anil Pandey, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

30-5-2016

Heard.

The applicant has been arrested on 30-3-2016 on the allegation of having committed offence punishable under Section 20-B of the Narcotic Drugs and Psychotropic Substances Act.

Case of the prosecution is that in the kitchen garden alleged to be maintained by the applicant, two cannabis plants were found. It is further alleged that total quantity of 560 gms. of ganja was seized from possession of the applicant.

Learned counsel for the applicant submits that the prosecution has involved the applicant only on suspicion. The alleged plants were not within the premises of the applicant. He further submits that quantity is only small being less than 1 kg. Therefore, the maximum punishment which could be imposed under Section 20 of the N.D.P.S. Act would be six months.

On the other hand, learned counsel for the State opposes the prayer for grant of bail.

Taking into consideration the nature of allegation, the material placed in the charge sheet and the quantity of ganja seized and the period of detention of the

applicant, this court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 10,000/- with one local surety in the like sum to the satisfaction of the concerned trial court for his appearance as and when directed.

Sd/-

Manindra Mohan Shrivastava

Vacation Judge