

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2829 of 2016

- Jagesar @ Jagesar S/o Baisakhu Kurmi Aged About 58 Years
R/o Village Pendri, Police Station Pamgarh, Civil & Revenue
District Janjgir Champa, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Pamgarh,
District Janjgir Champa, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Dharmesh Shrivastava, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 85/2016 registered at P.S.Pamgarh, District Janjgir Champa (C.G) for the offence punishable under Sections 20(a) of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, the police had a tip off that the applicant was cultivating cannabis plant in the kitchen garden. On such information, a raid was conducted in the premises of the applicant wherefrom one plant of cannabis was found which was recovered.
3. Learned counsel for the applicant submits that the place wherefrom the plant was seized is an open place which is accessible to one and all therefore the offence cannot be attributed to the applicant and as the alleged seizure has already been made, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents.
6. Considering the degree of allegations levelled against the applicant and the fact that a single cannabis plant was recovered from the field of the applicant which is an open place accessible to everyone and as the seizure has already been made, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE