

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2835 of 2016

Ramkhilawan Sahu, S/o. Late Gangaram Sahu, Aged About 52 Years,
R/o. Village Chikhali, Chowki Jevra, Sirsa, P.S. Pulgaon, Civil & Revenue
District Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Pulgaon, Civil & Revenue District Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Mirza Hafeez Baig, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.65/2016, registered at Police Station Pulgaon, District Durg (C.G.) for the offence punishable under Section 20-A(1) of the N.D.P.S. Act, 1984.
2. Case of the prosecution, in brief, is that on information received that the applicant implanted Cannabis plant in his *Badi*, the *Badi* was raided and one plant of Cannabis was recovered from the *Badi*, which was weighing 6.500 Kg.
3. Learned counsel for the applicant would submit that the applicant was residing elsewhere and it was only a *Badi* wherein the paddy were being stored in the season and he was not aware about the growth of the plant and further he was also not in conscious possession of the Cannabis plant, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the map. It appears that one Cannabis plant was recovered from the *Badi* which is away from the house of the applicant. Considering the fact that only one plant has been recovered from the *Badi* and further taking into fact that the charge sheet has been filed and the applicant is in jail since 02.02.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall 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 trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge