

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3055 of 2016

- Brijesh Ahirwar S/o Khilawan Ahirwar Aged About 20 Years
R/o Village Mangola P.S. Mangron Distt. Damoh (Madhya
Radesh) --- **Petitioner**

Versus

- State of Chhattisgarh through : G.R.P. Bilaspur Distt. Bilaspur
Chhattisgarh --- **Respondent**

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.06.2016

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. 01/2016 registered at P.S. GRP Bilaspur, Distt. Bilaspur (C.G) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, on 04.01.2016 the GRP on receipt of secret information that the applicant is holding the Cannabis apprehended him at railway platform and recovered 5 Kgs., of Cannabis from his possession, thereby, the offence is committed.
3. Learned counsel for the applicant submits that actually the Cannabis which was deposited in the Malkhana would show that no seizure was actually made from him and 5 Kgs., of Ganja was shown to be recovered, out of which, 3 samples of 50 grams each were taken out therefore, after deducting samples 4. Kgs and 850 grams should be there and while

depositing Ganja in Malkhana 5 Kgs., and 3 samples were deposited, therefore, it would show that the applicant has been falsely implicated.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents.
6. The argument which is advanced by the counsel for the petitioner that 5 Kgs and 3 samples were deposited as such no Cannabis was seized cannot be appreciated at this stage as against the documents of seizure which are on record.
7. Thus considering the quantity of cannabis, I am not inclined to release the applicant on bail. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE