

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2989 of 2016

Dilip Kaser, S/o. Late Jagdish Prasad Kaser, Aged About 60 Years,
Village- Ward No.1 Kaserpara, Sakti, Police Station- Sakti, District-
Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Sakti, District- Janjgir-Champa,
Chhattisgarh

---- Respondent

For Applicant : Mr. Shailendra Dubey, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.06.2016

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.45/2016, registered at Police Station- Sakti, District Janjgir-Champa (C.G.) for the offence punishable under Section 20-B(ii) of the NDPS Act.
2. Case of the prosecution, in brief, is that on 24.02.2016, on a raid being conducted, from the possession of the applicant, total 7 Kg Cannabis was recovered.
3. Learned counsel for the applicant would submit that the Cannabis recovered was not in the exclusive possession of the applicant, it was recovered from the house and it cannot be stated that the applicant was in conscious possession; 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 charge sheet. It appears prima facie that total 7 Kg Cannabis was recovered from the house of the applicant. Therefore, taking into consideration the quantity of the seized Cannabis, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge