

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3022 of 2016

- Bhog Singh Rathiya S/o Ghasia Rathiya Aged About 65 Years
R/o Bauhamuda, Police Station Gharghoda, Civil & Revenue
District Raigarh, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through S.H.O. Of The P.S. Gharghoda,
District Raigarh, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Abhishek Saraf, Advocate
For the Respondent	:	Mr. Sumit Jhawar, Panel Lawyer

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. 91 of 2016 registered at P.S. Gharghoda, District Raigarh (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 30.03.2016 the applicant was found in possession of 1 Kg. 390 grams of *ganja* and the same was recovered from him.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as he was not in exclusive possession of the contraband Ganja. It is further submitted that the charge sheet in this case has been filed; no further recovery is necessary and the applicant is in jail since 30.03.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Considering the fact that the quantity of Ganja recovered from the applicant is 1 Kg., and 390 grams; the charge sheet

has been filed and no further recovery is necessary and looking to the pre-trial detention of the applicant as he is stated to be in jail since 30.03.2016, I am inclined to release the applicant on bail.

6. 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