

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3479 of 2016

1. Mohammad Irfan @ Bablu, S/o. Late Mohar Ali, aged about 34 years, R/o. Infront of Borea Petrol Pump, Santoshi Nagar, Police Station – Tikrapara, Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station, Golbazar, District- Raipur (C.G.)

---- Respondent

For Applicant	: Ms. Ranjana Jaiswal, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.25/2016, registered at Police Station – Golbazar, District – Raipur (C.G.) for the offence punishable under Section 20B of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that on 09.03.2016 on secrete information received that the applicant was tried to sale cannabis, a raid was made and from the possession of the applicant, 3 kg cannabis was recovered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no evidence is available against the applicant and the cannabis were not recovered in person from the present applicant. It is further submitted that

charge-sheet in this case has been filed and the applicant is in jail since 09.03.2016, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the quantity of the cannabis seized and taking into the fact that charge-sheet in this case has been filed, no seizure is required and the applicant is in jail since 09.03.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge