

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4071 of 2016

Jafar Shafiq, S/o. Abdul Rashid, aged about 27 years, R/o. Chourasiya Colony, near Raja Kirana Store, Police Station : Tikrapara, Raipur, District – Raipur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : P.S. - Azad Chowk, Raipur, District – Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dashrath Kushwaha, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.07.2016

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. 71/2016, registered at Police Station- Azad Chowk, Raipur, District Raipur (C.G.) for the offence punishable under Section 20(B) (II) of Narcotic Drugs & Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that on 10.03.2016 on secrete information received that the applicant is selling the cannabis, from the possession of the applicant 1.500 Kg. cannabis was recovered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the cannabis was not seized in person from the applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 10.03.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing on behalf of the parties.
6. Considering the facts and circumstances of the case, the quantity of the cannabis seized and the fact that charge sheet in this case has been filed and the applicant is in jail since 10.03.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, both the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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