

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4644 of 2016

Babu Sarkar @ Denga, S/o. Heeralal Sarkar, Aged About 30 Years, R/o. Block 18, Mana Camp Raipur, Police Station Mana Camp, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through it's Police Station- Mana Camp Raipur, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.L.Sahu, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.08.2016

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.98/2016 registered at Police Station- Mana Camp, Raipur, Civil & Revenue Distt. Raipur (C.G.) for the offence punishable under Section 20-B of NDPS Act.
2. As per the prosecution case, on 02.06.2016 on a secret information received that the applicant is carrying the Cannabis in his Motorcycle towards Abhanpur, he was intercepted and total 2 kg of Cannabis was recovered.
3. Learned counsel for the applicant would submit that the Cannabis was not recovered from the person of the applicant and he has been falsely implicated. He further submits that the charge sheet has been filed and the applicant is in jail since 02.06.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, specially taking into fact that the quantity of seized Cannabis is 2 Kg and further considering the fact that the charge sheet has been filed and no further investigation is required and the applicant is in jail since 02.06.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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