

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5863 of 2016

Abdul Raseed, S/o. Shri Abdul Gani, Aged About 36 Years, R/o. Station Para, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Malay Kumar Bhaduri, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/09/2016

1. This is the second 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.121/2016 registered at Police Station- Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Section 20(B) of NDPS Act. The first bail application was dismissed on 27.07.2016 in MCRC No. 4131 of 2016.
2. Case of the prosecution, in brief, is that on a raid being conducted on 26.05.2016 from the possession of the applicant, 3 Kgs of contraband cannabis was recovered.
3. Learned counsel for the applicant would submit that this is the second bail application; after rejection of the first bail application, the seizure witness namely Ramesh Kumar Pandey & Rakesh Kumar Nishad have been examined and they have not supported the case of the prosecution. He further submits that considering

the quantity of seized cannabis and the fact that the applicant is in jail since 26.05.2016, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts & circumstances of the case and specially taking into fact that the quantity of cannabis is 3 Kg and the seizure witness have been examined and they have not supported the case of the prosecution and the applicant is in jail since 26.05.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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