

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 7047 of 2016**

1. Rajesh Kumar Kulmitra, S/o. Shri Krishnavatar @ Krishna Avatar Kulmitra, aged about 26 years. R/o. Village- Vicharpur, Police Station – Lormi, District – Mungeli (C.G.)

----Applicant

**Versus**

1. The State of Chhattisgarh, Through : Officer in charge of Police Station – Lormi, District – Mungeli (C.G.)

---- Respondent

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For Applicant : Mr. Roop Naik, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**16/11/2016**

1. This is the third 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.243/2016, registered at Police Station – Lormi, District – Mungeli (C.G.) for the offence punishable under Section 20-B of the Narcotic Drugs and Psychotropic Substances Act, 1985. The first bail application was dismissed as withdrawn vide order dated 02.08.2016 and the second bail application was dismissed for want of prosecution vide order dated 18.10.2016.
2. Case of the prosecution, in brief, is that on 19.06.2016 on a raid being conducted, from the possession of the applicant 2 kg. cannabis were recovered. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the cannabis were not seized 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 19.06.2016, therefore, the counsel prays that 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 charge-sheet. According to the seizure memo 2 kg. cannabis alleged to have been seized. Considering the facts and circumstances of the case and specially taking into the quantity of the cannabis seized i.e. 2 kg., which is seized from the applicant and the fact that charge-sheet in this case has been filed, 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