

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7344 of 2016

- Murgesh Mudliyar S/o Late Shri Guruswami Mudliyar Aged About 50 Years R/o Chuna Bhatthi, Police Station Ganj Raipur, District Raipur, Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Ganj, Raipur, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Y. C. Sharma, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.12.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 305/2016 registered at P.S. Ganj, Raipur (C.G) for the offence punishable under Section 20-B of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on 19.10.2016 certain information was received by the Police that the applicant was selling Cannabis which was kept under a lime-kiln (*Chunabhatti*) and thereafter when the said spot was raided, 2.2 Kgs., of Ganja was recovered from the possession of the applicant.
3. Learned counsel for the applicant would submit that no recovery was made in person from the applicant and he has been falsely implicated and before the alleged seizure, no consent was obtained which is mandatory under the provisions of NDPS Act. It is also submitted that the charge

sheet has been filed and the applicant is in jail since 02.11.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary. Considering the facts and circumstances of the case especially the fact that the charge sheet has been filed and looking to the quantity of Ganja i.e., 2.2 Kgs., which is alleged to have been recovered from the applicant, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**