

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8046 of 2016

1. Mohammad Abid, S/o. Shri Mohammad Kaleem @ Mohammad Kalam, aged about 42 years, R/o. Rajganpur Talkipara, Police Station – Rajganpur, District – Sundargarh (Odisha)

----Applicant

Versus

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

---- Respondent

For Applicant : Mr. Roop Naik, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2016

1. This is the first 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.447/2016, registered at Police Station – Kotwali, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 20B of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that on 31.07.2016, the applicant was travelling in the bus with the Cannabis and on search having been made from the present applicant 2.500 kg Cannabis was 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 was not seized in person from the present applicant and it was seized from

the Bus and it was not in conscious possession of the applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 31.07.2016. 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 documents. Considering the facts and circumstances of the case, charge-sheet in this case has been filed and the applicant is in jail since 31.07.2016, and specially considering the quantity of the Cannabis seized i.e. 2.50 kg, 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