

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5170 of 2017

Bhuru Khan S/o Late Lal Khan, R/o Idgahbhatha, Police Station Azad Chowk, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Azad Chowk, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

22/11/2017

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. 147/2017 registered at Police Station- Azad Chowk, Raipur District Raipur (C.G.) for the offence punishable under Sections 20(B) of the Narcotic Drugs Psychotropic Substances Act.
2. As per the prosecution case, on 08.07.2017 Sub-Inspector of Police Station Azad Chowk, Raipur received an information from the informant and search the applicant and seized 2.660KG Ganja from the possession of the applicant, therefore, offence under the Narcotic Drugs Psychotropic Substances Act was registered against the applicant and the matter was investigated.
3. Counsel for the applicant submits that the quantity of ganja seized from the applicant is not of commercial quantity, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that total 11 cases registered against the applicant, 8 cases under the Chhattisgarh Excise Act and 3 cases under the Narcotic Drugs Psychotropic Substances Act, therefore, the applicant should not be entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the antecedents of the present applicant as he was already involved in similar nature of offence and he is habitual offender, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Ram Prasanna Sharma)
Judge

Santosh