

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5947 of 2017

Bablu Mishra S/o Gorakh Nath Mishra, Aged About 25 Years Caste Bramhan, R/o Village & Post Paharpur, Police Station Gadhwani District Bhojpur Aara, Bihar.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Nagarnor, District Bastar Jagdalpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. F.S. Khare, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

27/11/2017

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. 09/2017 registered at Police Station- Nagarnor, District Bastar (C.G.) for the offence punishable under Sections 20(B) (2-B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').
2. As per the prosecution case, on 21.01.2017 at about 2.00 PM one Rajdhani Bus was raided by the Police authorities and they found 5 Kg and 200 grams cannabis of Ganja in a trolley bag which was in possession of accused/applicant. Subsequently, the case was registered u/s 20 (B)(2-B) of NDPS Act and the applicant was arrested in connection with the said offence.

3. Counsel for the applicant submits that in the present case search is made at 2.00PM but seizure memo is prepared at 1.55 PM, therefore, seizure is doubtful, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the fact that the evidence collected by the prosecution there is, prima facie, case of possession of Ganja measuring 5KG and 200 grms by the applicant and the ground of defence raised by the applicant shall be decided by the trial Court only after hearing the parties and looking to the nature of offence, 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