NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6562 of 2017

Lakeshwari Dubey W/o Rajkumar Dubey Aged About 42 Years Caste Brahman, R/o Sarvodaya Nagar, Pachpedi Naka, (Wrongly Mentioned Naam In The Impugned Order) Raipur, Chhattisgarh. Paternal Village- Banglapara Jhalap, Police Station- Patewa, Tahsil Mahasamund, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Patewa, Tahsil Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

Shri V.K.Pandey, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/12/2017

Heard.

The applicant has been arrested in connection with Crime No.140/2017 registered at Police Station – Patewa, District - Mahasamund (CG) for alleged commission of offences under Section 20 (B) of Narcotic Drugs and Psychotropic Substance Act.

2. Case of the prosecution is that the applicant was found in possession of 2 Kg and 100 gms. of Ganja.

3. Learned counsel for the applicant submits that false seizure is made. He has not committed any such offence. It is submitted that the applicant has no criminal antecedent, investigation is complete, charge sheet has been filed and he is not likely to abscond or tamper with the prosecution witnesses and the punishment would be not more than 1 year, even in case the prosecution succeeds. Therefore, he may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that 1 Kg and 100 gms of Ganja was recovered from the possession of the applicant by the police authorities on information. Therefore, *prima facie* case is made out. In case, he is granted bail, he is likely to abscond or tamper with the prosecution witnesses, therefore, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly the quantity of Ganja alleged to be seized from the applicant and further taking into consideration that conviction in such cases may not be of life imprisonment, it being less than commercial quantity and there is nothing to show that in the event of grant of bail, the applicant is likely to tamper with the prosecution witnesses or flee away from justice, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti