

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 591 of 2017

- Santosh S/o Goverdhan Jagat, Aged About 48 Years R/o Gittipara, Navapara, Police Station Gobra Navapara, District Raipur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Gobara Navapara, District Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Shikhar Sharma Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-02-2017

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 on 26-7-2016 in connection with Crime No. 172 of 2016, registered at Police Station Gobara Navapara, District Raipur (CG) for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act.
2. Case of the prosecution, in brief, is that on 26-7-2016 on information being received that the applicant was in possession of cannabis and he was ready to sell the same, a raid was conducted by the Police and from the possession of applicant 1.400 kgs of cannabis were recovered and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, no evidence is available against the applicant and seizure was not made in person from the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 26-7-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case and further considering the recovery of quantity of cannabis and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 26-7-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju