

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 812 OF 2017

Shahbaj Khan, S/o Vaseer Khan, aged about 23 years, R/o Near Kelabadi Masjid, Padmanabhpur, District Durg (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, P.S. Mohan Nagar, District Durg (C.G.)

... Respondent

For Applicant	:	Mr. Jitendra Gupta, Advocate.
For Respondent-State	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/02/2017

1. This is the first bail application seeking grant of bail to the Applicant who is in jail since 24.10.2016 in connection with Crime No. 534 of 2016 registered at Police Station Mohan Nagar, District Durg, for the offence punishable under Section 21 of the N.D.P.S. Act.
2. As per the prosecution case, on a raid being conducted on 24.10.2016 total 10.580 milligram of Brown Sugar was seized from the possession of the co-accused persons involved in the case and from the present Applicant 1.74 milligram of Brown Sugar was seized.
3. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated and the seizure amounts to a small quantity. He further submits that the offence is triable by the Judicial Magistrate First Class and the charge-sheet has been filed, therefore, the Applicant may be released on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail. However, he does not dispute the fact that from the possession of the present Applicant only 1.74 milligram of Brown Sugar was seized.

5. Taking into consideration the facts and circumstances of the case and the fact that from the possession of the present Applicant 1.74 milligram of Brown Sugar was recovered, which appears to be small a quantity and the charge-sheet has been filed, I am inclined to release the present Applicant on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge

/sharad/