

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 827 of 2017

1. Nashib Singh Marko, S/o Shri Rup Singh Marko, Aged About 55 Years, R/o. Beljhariya (Madiya Pitta), Tahsil -Marwahi, Police Station -Marwahi, District -Bilaspur, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through -Police Station Marwahi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shashi Bhushan Tiwari, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.30/2016, registered at Police Station – Marwahi, District – Bilaspur (C.G.) for the offence punishable under Section 20-A of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that on 02.02.2016 on secrete information received the applicant has cultivated the plant of Cannabis, from the kitchen-garden of the applicant 26 plants of Cannabis were recovered. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the Cannabis so seized were from the open place and it was not in the exclusive possession of the applicant. He further submits that as per statement of Savan Singh, Patwari which would show that Cannabis were seized from the open

place, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of Savan Singh, Patwari. Perusal of the statement and map prima-facie it appears that, Cannabis were seized from the open place. Taking into such fact without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge