NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 956 of 2017

Sushil Soren S/o Budu Soren, aged about 18 years, R/o village : Gram Chowk: Sonaghar, Police Station Khadagpur, District West Mednapur, West Bengal.

---- Applicant

VERSUS

State of Chhattisgarh, Through Station House Officer, Police Station GRP Raipur, District Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri C.R.Sahu, Advocate.
For Non-Applicant/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri.

Order on Board

01/03/2017

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. 166 of 2016, registered at Police Station GRP, Raipur, District Raipur, Chhattisgarh for the offence punishable under Section 15(B) of the Narcotic Drugs & Psychotropic Substances Act (hereinafter called 'the NDPS Act').

2. Case of the prosecution, in brief, is that on 11.09.2016, on a search being made by the Government Railway Police, Raipur at Railway Station Raipur, 21 KGs of contraband poppy straw (Doda Powder) was recovered from the possession of the applicant and accordingly, an offence punishable under Section 15(B) of the NDPS Act was registered against the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that charge sheet has already been filed and no further investigation is required. Even the seizure witnesses have not supported the prosecution case. The applicant is in jail

for the last more than five months. Therefore, the counsel prays that 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 and also perused the case diary.

6. Keeping in view the quantity of the poppy straw weighing 21 KGs which is more than the small quantity and the nature of recovery from the possession of the applicant, I do not deem it 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 rejected.

8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Amit