

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1027 of 2017

Ashok Nayak, S/o. Samaru Lal Nayak, Aged About 34 Years, Caste Nayak, R/o. Singhiya, Police Station Katghora, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Katghora, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Basant Kaiwartya, Advocate

For Respondent : Mr. Dilman Rati Minj, Dy. Govt. Advocate

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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.302/2016 registered at Police Station- Katghora, District Korba (C.G.) for the offence punishable under Section 20(B)(2)(B) of N.D.P.S. Act.
2. As per the prosecution case, on a raid being conducted on 20.10.2016 in the Dicky of the Motorcycle which belonged to the applicant, which was parked in the Badi of the applicant, total 2.200 Kg of contraband Cannabis were recovered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the Cannabis were not seized in person from the present applicant, it was recovered at the stationary vehicle and only on the presumption, the applicant has been inculpated. He further submits that the charge sheet has

been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, specially taking into the quantity of the seized Cannabis which is 2.200 Kg and further considering the fact that the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge