

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1142 of 2017

Raju Baiga, S/o. Mr. Milan Baiga, Aged About 40 Years, R/o. Sarasdol,
Chowki Khudiya, Thana Lormi, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Lormi, District Mungeli,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Achyut Tiwari, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/03/2017

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.541/2016 registered at Police Station- Lormi, District Mungeli (C.G.) for the offence punishable under Section 20(a) of N.D.P.S. Act.
2. As per the prosecution case, on 04.11.2016 on a raid being conducted, from the vegetable field of the applicant i.e. *Badi*, seven Cannabis plants were recovered, which were 7 Kg of weight.
3. Learned counsel for the applicant would submit that the *Badi* is not covered, it is a forest land and the same is not in exclusive possession of the applicant. He submits that the charge sheet shows the quantity of Cannabis as 7 Kg but the weighment panchnama shows the quantity as 2 Kg. 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 as also the map of the place wherefrom the Cannabis were seized, which prima facie appears to be an open place. Considering the discrepancies in the final report and the weighment panchnama and 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