

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1409 of 2017

Laxmi Prasad Banjara, S/o. Late Ram Prasad Banjara, Aged About 55 Years,
Caste -Banjara, R/o. Village -Vijuri, Police Station -Vijuri, District -Anuppur,
Madhya Pradesh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station - Pathalgaon, District
-Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/03/2017

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.277/2016, registered at Police Station – Pathalgaon, District – Jashpur (C.G.) for the offence punishable under Section 18 of Narcotic Drugs & Psychotropic Substance Act.
2. As per the prosecution case, on a raid being conducted on 19.12.2016, from the possession of the applicant 5.5 kg of Poppy straw was recovered at Pathalgaon Bus-stand. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that Poppy straw was not recovered from the possession of the present applicant and it was seized from the open place – Bus-stand and the recovery do not belonged to the present applicant and without prejudice it is also stated that it is much more below the commercial quantity of 50 kg. as

enlisted at Sr. No.110 of the Schedule of N.D.P.S. Act..It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 19.12.2016 and no further investigation is necessary, 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 case diary and the documents. Considering the facts and circumstances of the case and further taking into the nature and quantity of the Poppy straw seized i.e. 5.5 kg. which is small quantity and less than the commercial quantity, 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge