

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1643 of 2017

- Devlal @ Golu S/o Late Lallaram Sahu, Aged About 26 Years R/o Rawabhatha, Near Banjari Mandir, Durga Chowk, Raipur, Tahsil And District Raipur, Chhattisgarh.

---- **Petitioner**

Versus

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

---- **Respondent**

For Applicant : Mr. Pradeep Singh Rathore, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-03-2017

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 on 13-1-2017 in connection with Crime No. 25 of 2017, registered at Police Station Khamtarai, District Raipur (CG) for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act.
2. Case of the prosecution, in brief, is that on 13-1-2017 on information being received that present applicant was selling cannabis, raid was conducted by the policy party near Bnjari Mandir, Durga Chowk, Raipur and from the possession of the applicant 1 kg and 100 grams of cannabis were recovered and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, seizure was

not made in person from the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 13-1-2017 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that seized quantity of cannabis is 1 kg and 500 grams and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 13-1-2017, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju