

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1803 of 2017**

- Santosh Chauhan S/o Kanhaiya Chauhan, Aged About 21 Years
R/o Near Bhadrak Kali Mandir, Ward No. 15, Bemetara, Police
Station & District Bemetara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri CR Sahu, Advocate
For Respondent/State	: Shri Wasim Miyam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24.4.2017**

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.56/2017 registered at Police Station Simga, Distt. Baloda Bazar, Bhatapara (CG) for the offence punishable under Section 20(b) (ii) B of the Narcotic Drugs and Psychotropic Substances Act 1985.
3. Case of the prosecution, in brief, is that 1kg and 400 gm of ganja was seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 20.2.2017. Charge sheet has been filed before the Special Judge, (NDPS Act), Baloda Bazar, Bhatapara. He submits that there is no fact mentioned in the seizure memo regarding the said ganja that it was dried or not, therefore, there may be possibility that the ganja may be upto 1 kg in weight. He further submits that applicant has no criminal background and has been falsely implicated in the case, and therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that there is no material against the applicant for involvement in any or similar offence.

6. I have heard the counsel appearing for the parties.

7. On due consideration that the applicant is in jail for 2 months, charge sheet is filed and looking to the quantity of ganja which is 1 kg and 400 gm, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- with one surety in the like sum to the satisfaction of the Special Judge (NDPS Act) Baloda Bazar, Bhatapara for his appearance before the said trial Court as and when directed.

10. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above , the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**