

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1926 of 2017

1. Rohit S/o Lakhan Satnami, Aged About 25 Years, R/o Village Sondh, Police Station & Tehsil Berla, District Bemetara, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through the Station House Officer, Police Station Berla, District Bemetara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri P.P.Sahu, Advocate.

For Non-applicant/State – Shri Neeraj Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

24-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is arrested in connection with Crime No.58/2017 on 03-03-2017 by Berla police, District Bemetara, C.G. for the offence under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'). After investigation police had filed the charge sheet which is pending before the Special Judge under the NDPS Act Bemetara, C.G. as Criminal Case No.5/2017. There is no other criminal antecedent of the present applicant. He will not commit any offence in future. He may be granted an opportunity and the quantity of the ganja so seized from the applicant is just 300 gram higher than the small quantity.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant though fairly submitted that Berla police not reported earlier criminal antecedent of the present applicant.
4. Perused the entire facts.
5. As the applicant is in jail since 03-03-2017, charge sheet has been filed, quantity of the ganja so seized from the applicant is 1 Kg. 300 gram, there is

no earlier criminal antecedent recorded by police, I am inclined to grant one last opportunity to the applicant so that he may not commit any similar or other offence in future and remain in society peacefully. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of the like sum to the satisfaction of the Special Judge under the NDPS Act Bemetara, C.G. for his appearance before the said trial Court as and when directed.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE