

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2553 of 2017**

Kuldeep Patel S/o Shri Shankar (Shankar Lal) Patel Aged About 25
Years Occupation - Agriculturist And Labour, R/o Village Puranadaba,
Ward No. 4, Police Station Lalbag, Tahsil And District- Rajnandgaon,
CG.

---- Applicant

Versus

State Of Chhattisgarh Through: District- Magistrate Rajnandgaon,
Chhattisgarh.

---- Respondent

For applicant	Mr. Kripesh G. Kela, Adv.
For Respondent/State	Mr. Vasim Miyan, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****8/5/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 2-2-2017 in connection with Crime No. 41/2017 registered in PS Dongargaon, Distt. Rajnandgaon (CG) for offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (In brevity 'NDPS Act').
3. Learned counsel for the applicant submits that after investigation, charge sheet has been filed and the matter is pending before the Special Judge, NDPS Act, Rajnandgaon and registered as Special Case No. 4/2017. The applicant is the first offender. There is no earlier involvement of the applicant in similar offence. As the Ganja seized is 1.100 kg, it is just 100 gm more than the small quantity. He will not commit any offence in future if granted bail. Hence he may be enlarged on bail.
4. Per contra, learned State counsel opposes the bail application. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.

5. Perused the matter.
6. On due consideration, as the applicant is the first offender with no criminal antecedent, he is in jail for last 3 months and 6 days, charge sheet has been filed, trial may take some time, and as per allegation only 1.100 kg ganja has been seized which is only 100 gm more than the small quantity prescribed in the table, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 40,000/- with one solvent surety of the like sum to the satisfaction of the Special Judge, NDPS, Rajnandgaon CG for his appearance before the said Court regularly as and when directed by the said Court.
7. 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: (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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge