

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3041 of 2017**

Anis Mohammad @ Anij Mohammad S/o Late Bisahu Mohammad,
Aged About 55 Years R/o Village Rungara Balco Nagar, Thana Balco
Nagar, Tahsil Korba, Tahsil & District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Balco Nagar Korba, District Korba, Chhattisgarh.

---- Respondent

For applicant	Mr. N.K. Malviya, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19-6-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 1-2-2017 in connection with Crime No. 28/2017 registered in PS Balco Nagar, Korba, Distt. Korba 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 which is pending before the Special Judge, NDPS Act, Korba as Special Criminal Case No. 1/2017. This is his first bail application before this Court. He is first offender. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time. As per allegation, 10 kg and 800 gm Ganja has been seized from the applicant. He further submits that during taking sample from the seized material, police had taken samples after mixing all the material. With this, the investigating officer violated the Standing Order No. 1/89 dated 13-6-1986 issued by the Government of India, Ministry of Finance 2.4 where it is advised to

draw one sample from each packet/container in case of seizure of more than one packet/container. He further submits that panch witnesses have not supported the prosecution story. Said Ganja was not seized from exclusive possession of the applicant. Hence he may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant.
5. On due consideration as the said instructions are advisable, and looking to the evidence collected by the prosecution and the quantity of the ganja so seized from the applicant, I am not inclined to grant bail to the applicant.
6. Consequently the application is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge