

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3335 of 2017**

Sagar Khunte S/o Sudarshan Khunte, Aged About 25 Years R/o
Kusmunda, Police Station Kusmunda Prem Nagar, Korba, District
Korba, CG.

---- Applicant

Versus

State Of Chhattisgarh Through, Police Station Saraipali, District
Mahasamund, Chhattisgarh.

---- Respondent

For applicant	Mr. Yogeshwar Sharma, Adv.
For Respondent/State	Mr.Vasim Miyan, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****5-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 15-3-2017 in connection with Crime No. 87/2017 registered in PS Saraipali, Distt. Mahasamund for offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1989 (in brevity 'NDPS Act').
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against the applicant and another co-accused Bajranglal and the same is pending before the Additional Sessions Judge/Special Judge under NDPS Act, Saraipali, CG as Criminal Case No. 7/2017. This is his first bail application before this Court. He is first offender. As per allegation surfaced in the charge sheet, police has seized 15 kg Ganja from the joint conscious possession of applicant Sagar Khunte and co-accused Bajrang Lal Rathore. Said Bajrang Lal Rathore has not preferred any bail petition for his release. As per learned counsel, time mentioned in the sanha to proceed to the place of incident and in the sanha regarding return

create doubt. In the notice given to the Tehsildear for preparation of map it appears that Ganja has been seized only from co-accused Bajrang Lal. The compliance of Section 42 of the NDPS Act is under cloud. Signature obtained of the panch witnesses are doubtful. Also there is doubt regarding sending information to the superior official for permission to proceed without search warrant. With this the investigation is full of doubt and latches. Therefore applicant may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of quantity of the Ganja so seized in the matter.
5. As per the evidence collected by the prosecution and surfaced in the charge sheet, police had seized 15 kg of Ganja from the joint possession of the present applicant and from co-accused Bajrang Lal Rathore, on due consideration, I am not inclined to grant bail to the applicant. Hence the instant MCRC is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge