

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3565 of 2017**

- Bhuvan Prasad Dubey S/o Budhram Dubey, Aged About 34 Years, R/o Dendupadar, Police Station Amlipadar, District Gariyaband, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Mainpur, District Gariyaband, Chhattisgarh.

**---- Non-applicant**


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For Applicant : Shri J.N. Nande, Advocate.

For Non-applicant/State : Shri Vinod Tekam, Panel Lawyer.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****02.08.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.114/2016 on 28-11-2016 by Police Station Mainpur, Civil Distt. Raipur, (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'). It is submitted that applicant is the first offender. He is in jail since 28/11/2016. The applicant had no criminal antecedent. He is a student aged about 34 years. He is falsely implicated. Three witnesses have been examined during the trial as the trial is going on before Special Judge under the NDPS Act Raipur, C.G. as Special Criminal Case NDPS No. 23/17. The panch witnesses PW-1

Umashankar Sahu, PW-2 Radheshyam Patel turned hostile and not supported the prosecution's story; also PW-3 Abrar, bus conductor has not supported the prosecution case. Looking to the entire facts, applicant may be enlarged on bail. As per the allegation, he was in illicit possession of 4 kg. Ganja.

3. Per Contra, Learned counsel for the Non-applicant/State opposed the argument advanced on behalf of the applicant, though conceded that there is no criminal antecedent of the applicant.

4. Peruse the entire material.

5. On consideration of the entire evidence collected by the prosecution and also with the fact that I.O. is not yet examined and looking to the quantity of Ganja so seized and other facts, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

**Sd/-  
(Chandra Bhushan Bajpai)  
Judge**