

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4008 of 2017

- Monuraj Yadav Son of Ashok Yadav, Aged About 28 Years, Resident of Bangalipara, Police Station- Sarkanda, District - Bilaspur (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station- Sarkanda, Bilaspur, District- Bilaspur (Chhattisgarh).

---- Non-applicant

For Applicant – Shri UKS Chandel, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

30-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.147/2017 on 26-2-2017 by P.S. Sarkanda, District Bilaspur, C.G. for the offence under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the Act, 1985'). After investigation police had filed the charge sheet which is pending before the Special Judge authorized to try the offences arise out of the Act, 1985 under the relevant provision of Section 36 of the Act, 1985 Bilaspur, C.G. as Special Criminal Case No.10/2017. As per the allegation, the applicant was in illegal possession of 1 kg. 100 grams ganja. Police during investigation arrested the applicant and other co-accused Akash Sonkar and also seized ganja 400 grams from co-accused Akash Sonkar who has been granted regular bail by the trial Court itself. The applicant was in allegedly illegal possession of ganja which is just 100 grams above the small quantity. The applicant had never involved in similar offences though earlier following matter has been registered against the applicant :-

Sl. No.	Crime No.	Section
01.	491/05	341, 294, 323, 506 Part II, 34 of the IPC
02.	540/06	294, 506, 323, 34, 325 of the IPC
03.	27/08	4(a) of the Public Gambling Act 1867

04.	122/09	294, 506, 323 of the IPC
05.	414/10	324 of the IPC
06.	191/15	324, 506, 294, 326, 323 of the IPC

But in all the matter the applicant is not convicted, granted bail. He may be granted one last opportunity to remain in bail during trial as the trial may take some time.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of more 100 grams ganja than the small quantity and also 6 aforementioned matter registered against the applicant and submitted that it goes to show the earlier criminal antecedent of the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 4 months and 4 days, charge sheet has been filed, trial may take some time, the applicant had earlier not involved in any of the similar offence though as aforementioned many cases in relation with other penal act has been registered, but as there is no any matter to demonstrate that the applicant was ever convicted in the said matter, quantity of ganja seized from the applicant is just 100 grams above than the small quantity, on due consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any offence and live peacefully in society. 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Special Judge under the Act, 1985 Bilaspur, C.G. for his appearance before the said trial Court as and when directed till trial.

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. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Sarkanda, District Bilaspur, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against him. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Registrar (Judicial) is directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge