

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3991 of 2017

- Shyamu @ Pappu Khatik S/o Babulal Khatik, Aged About 28 Years R/o Tikrapara, Near Mama Bhanja Talab, Police Station Kotwali, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Kotwali, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	Mr. Rohit Sharma, Advocate
For Respondent /State	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/11/2017

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.56/2017, registered at Police Station Kotwali, Bilaspur, District Bilaspur (CG) for the offence punishable under Sections 20(B) & 22 of the

Narcotics Drugs and Psychotropic Substances Act, 1985.

3. The concerned Police has recovered 16 Kg of Contraband (*Ganja*) kept in a galvanised box (*Tin Peti*) from a construction allegedly owned by the applicant and his father Babulal Khatik (co-accused). On some tip off, the Police initially recovered 2 Kg of Contraband from Raju Yadav and on his information, a house belonging to Shyamu @ Pappu Khatik (present applicant) and co-accused Babulal Khatik was searched, wherein, the remaining quantity of *Ganja* kept in a galvanised box (*Tin Peti*) was recovered. From the material available in the case diary and deposition of the Patwari, who has been examined as PW-3, it appears the subject premises is built upon *Aabadi* land possessed by co-accused Babulal Khatik and the present applicant. It may be for this reason, the prosecution has not filed documents of ownership in the name of any of the two accused persons i.e Babulal Khatik and the present applicant. However, even if there is no lease deed or other documents concerning ownership, it may be understood that the father Babulal Khatik owns the property and not the son.
4. Learned counsel for the applicant has pointed out other defects in the investigation, however, that is to be looked into by the trial Court and not by this Court while considering the prayer for grant of regular bail.
5. Considering the fact that the applicant is in jail since 29.3.2017 and the *Aabadi* land is deemed to be possessed by his father, this applicant is entitled to be released on regular bail.

6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

7. Certified copy today itself.

Sd/-

Judge

(Prashant Kumar Mishra)

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