

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5020 of 2017**

Ghanaram Mandavi S/o Late Tulsi Ram Mandavi, Aged About 39 Years
Caste Gond, R/o Charbhata, P. S. Charama, District Kanker (CG)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station
Keshkal, District Kondagaon (Chhattisgarh).

---- Respondent

For applicant	Mr. N.K. Chatterjee, Adv.
For Respondent/State	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 17-3-2017 in connection with Crime No. 25/2017 registered in PS Keshkal, Distt. Kondagaon (CG) 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 and the same is pending before the Special Judge under the NDPS Act as Special Criminal Case (NDPS Act) No. 10/2017. This is his first bail application before this Court. He is first offender. As per allegation, 1.500 kg. of Ganja has been seized from the applicant along with motorcycle bearing Registration No. CG 19 BD 3615. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.

4. Per contra, learned State counsel opposes the bail application on the basis of quantity of the Ganja so seized in the matter. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.
5. Perused the matter.
6. On due consideration, as the applicant is the first offender, he is in jail since 5 months and 11 days, charge sheet has been filed, trial may take some time, as per allegation, just 500 gm of Ganja above then the small quantity has been seized from the applicant and as submitted he will not commit any crime in future and considering entire facts of the case, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is 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 each of Rs. 25,000/- to the satisfaction of the trial Judge for his appearance before the said Court regularly as and when directed by the said Court.
7. 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: (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. The applicant is further directed to

appear before the concerned SHO/IO/in-charge of the Police Station Keshkal, Distt. Kondagaon (CG) on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court hold that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. Registrar (Judicial) is directed to send a copy of this 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. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge