

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4957 of 2017**

Guharam Kewat S/O. Shri Ganesh Ram Kenwat Aged About 54 Years
R/o Banglabhata Bilaigarh, Thana- & Tahsil Bilaigarh Civil & Revenue
District- Baloda Bazar Bhatapara, Chhattiasgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through: Station House Officer, Police Station
Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For applicant	Mr.Sunil Sahu, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23/8/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 12-6-2017 in connection with Crime No. 236/2017 registered in PS Bilaigarh, Distt. Baloda Bazar Bhatapara (CG) 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 and the same is pending before the Special Judge, NDPS Act, Baloda Bazar, Distt. Baloda Bazar Bhatapara as Special Cr. Case (NDPS) No. 7/2017. He submits that the applicant is aged about 54 years. This is his first bail application before this Court. He is first offender. Charge sheet has been filed. Trial may take some time. As per allegation, from the applicant 1 kg. 200 gm Ganja has been seized which is just 200 gm above then the small quantity. 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 the Ganja so seized from the applicant. 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. As the applicant is the first offender, he is in jail since 2 months and 11 days till date, charge sheet has been filed, trial may take some time, the Ganja seized is 200 gm above the small quantity 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 Bilaigarh, Distt. Baloda Bajar Bhatapara on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fail to do so, concerned police may intimate the trial Court and if the trial Court held 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. C.C. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak