

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4952 of 2017**

Ashish S/o Shankar Gohe, aged about 19 years, R/o Ward No. 02, Arjun Nagar, Baitul, Police Station Kotwali, District Baitul, Madhya Pradesh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station – Mainpur, District Gariyaband (CG)

---- Respondent

For Applicant	:	Smt. Fouzia Mirza, Advocate
For Respondent/State	:	Shri D. R. Minj, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 94/2016 registered at Police Station Mainpur, District Gariyaband (CG) for the offence punishable under Sections 20B of Narcotic Drugs and Psychotropic Substances Act. The applicant is in jail since 20.10.2016.

2. The allegation against the present applicant is that on 20.10.2016 he was found to be in possession of 3.5 Kg Ganja.

3. Contention of the counsel for the applicant is that the material witnesses in the case have already been examined like the seizure witnesses but they have not supported the case of the prosecution and have turned hostile. Copy of the statement has also been enclosed along with the bail application. Thus, prayed for the applicant to be released on bail.

4. State counsel, however, opposing the bail application submits that there are 5 accused persons in the said case and the total quantity of Ganja recovered from them was about 33 Kg. and that the present applicant was found to be in possession of 3.5 Kg Ganja. He submits that the case under NDPS Act has proved and established only on the statement of the Investigating Officer and prayed for rejection of the bail application.

5. Considering the period of custody already undergone by the applicant i.e. for about 13 months and the fact that the two seizure witness have not supported the case of the prosecution and have turned hostile, this Court is of the opinion that prima facie, a strong case for grant of bail is made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/
(P. Sam Koshy)
JUDGE**