

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5120 of 2017**

- Abhay Ram S/o Shri Kanhaiya, Aged About 48 Years R/o Village Gharghodi, Police Station & Tahsil Gharghoda, District Raigarh, Civil And Revenue District Raigarh Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh S/o Through Police Station Gharghoda, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Shri Manoj Kumar Sinha, Advocate.
 For Non-applicant/State : Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 29/05/2017, in connection with Crime No. 92/2017, registered in Police Station Gharghoda, Distt. Raigarh (C.G.) for offence punishable under Section 20a(i) and 20b(ii)A of the Narcotic Drugs and Psychotropic Substances Act 1985 (in short 'the NDPS Act').

3. Learned counsel for the applicant submits that police had filed charge-sheet which is pending before the Special Judge under the Narcotic Drugs and Psychotropic Substances Act, 1985. Learned counsel for the applicant would submit that the applicant is the first offender and no criminal antecedent has been reported against him.

As per the allegation, from the constructive possession of the applicant, and 585 gm of Ganja has been seized which is a small quantity. As per the table applicable and also from his kitchen garden 5 cannabis plant small and big were seized. He had not cultivated these Cannabis Plant the possibilities may not be ruled out that those plants are just 5 in numbers may grow by sprouting few seeds by any passer-by. He has not engage in the cultivation for the said Cannabis Plants. The applicant is the first offender and will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, Learned counsel for the respondent/State opposes the argument advanced on behalf of the applicant, though fairly conceded that applicant had no criminal antecedent.

5. Peruse the entire material.

6. As the applicant is the first offender, he is in custody since 3 month till date, charge-sheet has been filed, trial may take some time, the Ganja so seized was of small quantity. There is no criminal antecedent reported against the applicant, looking to the entire facts without commenting anything on its merits, after consideration of entire facts, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime.

7. The applicants are 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 Special Judge Raigarh (C.G.), for his appearance before the said Court regularly as and when directed by the said Court. for their appearance before the said Court regularly as and when directed by

the said Court.

8. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants 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 applicants 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.

9. Certified Copy as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**