

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5806 OF 2017

Arun Kumar Baghel, S/o Vishnu Das Baghel, aged about 24 years, Caste Gond, R/o village Bandhabazar, Police Station Ambagarh Chowki, Civil and Revenue District Rajnandgaon (CG).

... Applicant

Versus

State of Chhattisgarh, through the Police Station, Ambagarh Chwoki, Civil and Revenue District Rajnandgaon (CG).

... Respondent

For Applicant	:	Shri Punit Ruparel, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy.GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 21.08.2017 in connection with Crime No. 181 of 2017 registered at Police Station Ambagarh Chowki, Distt. Rajnandgaon, for the offence punishable under Section 20-B of the NDPS Act.
2. As per prosecution case, on search being made, in the courtyard of the applicant, two plants of Ganja, 3.2 kg in weight, were found.
3. Learned Counsel for the applicant submits that the applicant is innocent and ignorant and that he was unaware that the said grown up plant in his courtyard was Ganja plant, and therefore he may be enlarged on bail.
4. Opposing the bail application, learned Counsel for the State submits that it is a case where the applicant was found cultivating Ganja

plants in his courtyard, and therefore the applicant may not be enlarged on bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that on query being put to the State, she fairly admits that there were other inmates also residing in the same house and only because the present applicant was the owner of the house, he has been prosecuted in the case. Further, considering the fact that only two plants were found in the courtyard of the applicant and the weighment made is of the entire plant, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
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 for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**