

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5966 of 2017

- Sanjay Sahu S/o Subhash Sahu, Aged About 35 Years, R/o Village Basantpur, Police Station and Tahsil Janjgir, District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Janjgir-Champa Chhattisgarh, Through - police station Janjgir, District - Janjgir-Champa (C.G.)

---- Non-applicant

For Applicant – Shri Deepak Kumar Singh, Advocate.

For Respondent – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

09-10-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.248/2017 on 04-07-2017 by P.S. Janjgir, Distt. Janjgir-Champa, Chhattisgarh for the offence under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'). After investigation police had filed the charge sheet which is presently pending before the Special Judge under the NDPS Act created under the relevant provisions of Section 36 of the said Act, Janjgir, District Janjgir-Champa, C.G as Special Criminal Case (NDPS) No.24/2017. Learned counsel for the applicant would further submit that the applicant is first offender, trial may take some time and as per the allegation, 1.400 kg. ganja has been seized, which is just 400 gram more than the small quantity. The applicant is local resident, he will not abscond. No criminal antecedent is reported against the applicant. He may be granted one opportunity to remain in bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the

argument advanced on behalf of the applicant on the basis of quantity of ganja so seized, though fairly conceded that there is no criminal antecedent of the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 3 month and 5 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender and the quantity of ganja so seized is just 400 gram above than the small quantity, after consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the trial Judge constituted under Section 36 of the NDPS Act for his appearance before the said Court as and when directed till trial.

6. 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; and (iv) the trial Court finds that the applicant 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.

7. It is further directed that till conclusion of the trial the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of Police Station Janjgir, District Janjgir-Champa, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court

for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Additional 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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE