

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6246 of 2017**

- Shaitan Ram Jaat S/o Shri Bhera Ram, Aged About 37 Years R/o Talwapara, Odgi Naka, District Koriya, Chhattisgarh, Permanent Address Village Aamolai, Police Station Baleshwar, District Jodhpur, Rajasthan

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Baikunthpur, District Koriya, Chhattisgarh

---- Respondent

For Applicant	:	Shri R.S. Marhas, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/11/2017**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 22.07.2017 in connection with Crime No.205/2017 registered at Police Station Baikunthpur, District Koriya (CG) for the offence punishable under Section 22 of the N.D.P.S. Act.
2. As per the prosecution case, on 22.07.2017 on a raid being conducted from the possession of the applicant 350 gm of opium was seized thereby the offence has been committed.
3. Learned counsel for the applicant submits that the raid was conducted at about 7:20 pm, which was after the sunset and only 350gm opium was seized that too from a common room of the rented house. Consequently, it

cannot be said that the applicant was in the exclusive possession of the opium. He would further submit that the charge-sheet in this case has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case-diary. Considering the fact that the charge-sheet in this case has been filed and the quantity of the opium so seized and the applicant is in jail since 22.07.2017, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge