

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6637 of 2017

Chhote Dewarin (wrongly mentioned as Devrin in the order sheet) W/o. Badde @ Badda Dewar, Aged About 45 Years, R/o. S. Lohara Naka, Dewarpara, Kawardha, Police Station & Tahsil- Kawardha, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.12.2017

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 in connection with Crime No.231/2017 registered at Police Station- Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 20(B) of N.D.P.S. Act.
2. As per the prosecution case, on a raid being conducted on 12.08.2017 from the possession of the applicant, 1 Kg 700 Gram Cannabis were seized; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the Cannabis were not seized from the person of the applicant, the applicant has been falsely implicated and he was not found in exclusive possession of the Cannabis. He further submits that the charge sheet in this case has been filed, no further investigation is

necessary and the applicant is in jail since 12.08.2017; 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 and the documents. Specially taking into the quantity of Cannabis seized and the fact that charge sheet has been filed, no further investigation is necessary and the applicant is in jail since 12.08.2017, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge