

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3332 of 2017**

Salik Ram Tiwari S/o Shri Sambhunath Tiwari, Aged About 51 Years
R/o Village Durti Police Station and Tahsil Pratappur, District- Surajpur,
CG.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station
Pratappur, District- Surajpur, Chhattisgarh.

---- Respondent

For applicant	Mr. T.K. Jha, Adv.
For Respondent/State	Mr. Bhaskar Payasi, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****8-6-2017**

1. Heard on I.A. No. 1/17 for urgent hearing and I.A. No. 2/17 for hearing the matter during summer vacation.
2. On due consideration, both the applications are disposed of.
3. Heard finally.
4. The applicant has preferred this application for grant of bail as he is arrested on 5-3-2017 in connection with Crime No. 39/2017 registered in PS Pratappur, Distt. Surajpur (CG) for offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (In brevity 'NDPS Act').
5. Learned counsel for the applicant submits that this is a repeat bail application. Earlier MCRC No. 1815/2017 was disposed of as withdrawn on the prayer of the applicant that he want to file bail application afresh after filing of the charge sheet in the matter. Now charge sheet has been filed before the Special Judge, NDPS Act, Surajpur which is registered as Special Criminal Case No. 11/2017. Thereafter the applicant has preferred instant MCRC on account of

expected marriage of daughter of the applicant soon. He is first offender. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time. As per allegation, police has seized 2 kg and 50 gm Ganja from the applicant. It is submitted that it cannot be held without any doubt that the said Ganja was exactly 2 kg and 50 gm as there is possibility regarding variation of the weight as the electric weighing machine used to take the weight was taken from one grocery shop. The applicant is aged about 55 years and looking to the marriage of the daughter of the applicant soon, he may be granted bail so as to enable him to perform the rituals. He will not abscond and will abide by the directions given by this Court. He is permanent resident of Distt. Surajpur.

6. Per contra, learned State counsel opposes the bail application and submits that as 2 kg and 50 gm Ganja has been seized from the applicant, his bail application may be rejected. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.
7. Perused the matter.
8. On due consideration, as the applicant is the first offender, he is in jail for the last 3 months and 3 days till date, charge sheet has been filed, trial may take some time, he is aged about 55 years, a permanent resident of district Surajpur, and considering the submission of the marriage of his daughter to be solemnized soon and as a father he has some responsibility in the marriage, exact weight of Ganja may be challenged as per submission made by the applicant, on consideration of entire fact, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- with one solvent surety of the like sum to the satisfaction

of the Special Judge, NDPS Act, Surajpur CG for his appearance before the said Court regularly as and when directed by the said Court.

9. 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: (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.

10. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Vacation Judge