

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.242 of 2018

Rajesh Kumar Kushwaha S/o Bahal Ram Kushwaha, aged about 24 years, R/o village Karoundamuda, P.S. Bhaiyathan, District Surajpur (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - The S.H.O. P.S. Surajpur, District Surajpur (C.G.).

---Respondent

For applicant	:	Ms. Shivali Dubey, Advocate.
For resp./State	:	Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/04/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.414/2017 registered at Police Station Surajpur, District Surajpur (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
2. Present applicant is in jail since 18/10/2017.
3. The allegation against the present applicant as per the prosecution case is that, the applicant was found to be in possession of 2 K.G. of Gaanja in the Dicky of his motorcycle which he was riding.
4. The counsel for the applicant submits that the present applicant is a young boy, aged around 24 years and this is the first offence registered against him and that he has already remained in custody for a period of

about 7 months and that the quantity of Gaanja seized also was only 2 K.G. and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that looking to the nature of offence committed by the present applicant, he does not deserve bail at this juncture and thus prayed for rejection of bail application.

6. Having heard the contentions put forth on either side and on perusal of record so also considering the period of custody undergone and the age of the present applicant and also taking note of the fact that this is the first case in which he has been implicated, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE