

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 321 of 2018

Balsarowar Ram S/o Late Mohar Sai Turiya, Aged About 34 Years R/o
Beldagi, P. S. Lakhanpur, Distt. Surguja Chhattisgarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Jainagar Distt. Surajpur
Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Nandini Kumari Kashyap, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2018

Heard.

1. The applicant has been arrested in connection with Crime No.270 of 2017 registered at Police Station- Jainagar, District Surajpur (CG) for the alleged commission of offence under Section 20 (B) of the NDPS Act.
2. Case of the prosecution is that from the possession of the applicant, ganja in the quantity of 2.40 kg. seized from the possession of the applicant.
3. Learned counsel for the applicant would submit that false seizure has been made and nothing has been seized from the possession of the applicant. She would further submit that the applicant is in jail since 29.09.2017, investigation is complete and charge-sheet has been filed and that there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses and therefore, looking to the quantity of ganja and the maximum punishment which is liable to be awarded in the case, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes and submits that prima facie case is made out as seizure has been made from the possession of the applicant.

5. Having considered the submission of learned counsel for the parties, taking into consideration that the applicant is in jail since 29.09.2017, investigation is complete, charge-sheet has been filed and the quantity of ganja alleged to be recovered from the possession of the applicant and that there is no criminal antecedent of commission of similar offence, the application is allowed.
6. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge