

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.922 of 2018

Rajmal Banjare @ Bhikhari S/o Shri Budhari Banjare, aged about 50 years, R/o village Sirasa, Police Station Bemetara, Civil & Revenue District Bemetara (C.G.).

---Applicant

**Versus**

State of Chhattisgarh, Through – The S.H.O. Police Station Bemetara, Civil & Revenue District Bemetara (C.G.).

---Respondent

---

|                 |   |                                    |
|-----------------|---|------------------------------------|
| For applicant   | : | Shri Paras Mani Shriwas, Advocate. |
| For resp./State | : | Shri Lav Sharma, Panel Lawyer.     |

---

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/04/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 27/2018 registered at Police Station Bemetara for the offence punishable under Section 20 (A) of N.D.P.S. Act.
2. Present applicant is in jail since 15/01/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have in cultivation of Gaanja plant. On the date of incident, the prosecution had recovered 2 k.g. Gaanja plant from the open courtyard in front of the house of the present applicant.
4. The contention of the counsel for the applicant is that it is a case where only one Gaanja plant was found in the open veranda in front of the house of the present applicant. He further submits that the present applicant is not in

cultivation of Gaanja plant and he was not even aware of the said plant being a Gaanja plant. He further submits that there is no past antecedence also against the present applicant and therefore prayed for releasing the applicant on bail.

5. The State counsel on the contrary opposing the bail application submits that though the number of plant recovered from the premises of the present applicant is one, but the total weight of the plant was about 2 k.g. and considering the nature of offence the present applicant did not deserve bail at this juncture and thus prayed for rejecting the bail application.

6. Having heard the contentions put forth on either side and on perusal of record particularly taking note of the fact that there was only one plant which was recovered from the premises of the present applicant so also the premises also was a open place, 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