

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1894 of 2018**

Mukesh Yadav, S/o Ramesh Yadav, aged about 23 years, R/o Village-Udanban, Post office-Kuteshwar, Police Station- Komna, District Nayapara - Orissa

---- Applicant

Versus

State of Chhattisgarh, Through – Station House Officer, Police Station -Modhapara, Raipur (C.G.)

---- Non-applicant

For Applicant	:	Mr. Pawan Kesharwani, Advocate.
For Non-applicant	:	Mr. Ashish Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****23/04/2018**

- (1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 251/2017 registered at Police Station Modhapara, Raipur, District Raipur for the offence punishable under Section 20(B) of the N.D.P.S. Act.
- (2) Case of the prosecution, in brief, is that present applicant was found in possession of 5 Kg. of *Ganja*, which he was carrying unauthorizedly for sale.
- (3) Counsel for the applicant submits that the statutory compliance as required under the NDPS Act has not been complied with while making seizure of the alleged *Ganja* and, therefore, the applicant may be released on bail.
- (4) On the other hand, learned counsel for the State opposes the bail application.

(5) Having heard learned counsel for the parties, having regard to the facts and circumstance of the case and looking to the quantity of ganja and considering the fact that the applicant has to establish the fact of non compliance of the provisions contained in Section 20(B) of the NDPS Act during trial, I am of the opinion that it is not a fit case in which the accused/applicant should be granted regular bail. Accordingly, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

