

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2323 of 2018**

Swayambar @ Saybar Naik, Aged about 41 years, S/o Abhilash Naik, R/o Village – Charbhati, Junagarh, PS & Tahsil – Junagarh, District - Kalahandi (Orissa)

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station - Mainpur, District Gariyaband (C.G.)

---- Non-applicant

For Applicant	:	Mr. C.R. Sahu, Advocate.
For Non-applicant/State	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****07/05/18**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who have been arrested in connection with Crime No.06/2018 registered at Police Station Mainpur, District Gariyaband (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act.
3. Case of the prosecution, in brief, is that 2 Kgs of Ganja was recovered from the possession of the applicant and thereby committed the aforesaid offence.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in crime in

question, 40.1 Kgs of Ganja was recovered from the possession of total 5 accused persons including the present applicant whereas only 2 Kgs of Ganja was recovered from the possession of the applicant, the applicant is in jail since 28-01-2018, therefore, he may be released on regular bail.

5. On the other hand, learned counsel for the State would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, only 2 Kgs of Ganja was recovered from the possession of the applicant which is more than small quantity and he is in custody since 28-01-2018 this Court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge