

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No.2741 of 2018

Shekh Javed Rain S/o Shekh Munna Aged About 24 Years R/o- Village-
Dahibazar Itwari, Nagpur, Police Station- Shanti Nagar, Nagpur (Maharashtra)

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-
Tumgaon, District- Mahasamund, Chhattisgarh.

---- Non-Applicant

For Applicant: Shri Pawan Kesarwani, Advocate.
For State/Non-Applicant: Shri Shashank Thakur, Government Advocate.

Single Bench: Hon'ble Shri Pritinker Diwaker, J
Order On Board

21.5.2018

1. The Applicant has filed this application under Section 439 Code of Criminal Procedure for grant of regular bail as he is in custody since 23.09.2017 in connection with Crime No.140/2017 registered at Police Station –Tumgaon, District Mahasamund (CG) for the offence punishable under Section 20 (B) of the NDPS Act.
2. As per the case of the prosecution, on 23.9.2017, the Applicant was found in possession of 8.2 kgs of ganja along with co-accused Saif Khan @ Saif Ali.
3. Learned Counsel for the Applicant submits that similarly placed co-accused Saif Khan @ Saif Ali has already been granted bail by this Court vide order dated 14.3.2018 passed in M.Cr. C. No.8163/2017 (Annexure A-2). It

has been argued that the Applicant was not in exclusive possession of ganja and considering his detention period, he may be released on bail.

3. On the other hand, learned counsel for the State opposed the prayer for bail.

4. Considering the totality of the facts and circumstances of the case, in particular, the quantity of ganja, the fact that Saif Khan @ Saif Ali has already been granted bail by this Court vide order dated 14.3.2018 passed in M.Cr. C. No.8163/2017 and that there are no criminal antecedents against the Applicant, without further commenting on merits, this Court is of the opinion that this is a fit case where the Applicant can be released on bail. Accordingly, the application is allowed and the accused/Applicant is directed to be released on bail on his furnishing a personal bond of Rs.2,00,000/- with one surety for the like sum to the satisfaction of the Court of the concerned Magistrate for his appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
V. JUDGE