

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 3398 OF 2018

Akash Sharma S/o Shravan Sharma, aged about 20 years, R/o Behind Electricity Office, Bemetara, District Bemetara (CG).

... **Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Bemetara, District Bemetara (CG).

... **Respondent**

For Applicant	:	Shri Vinod Tekam, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, PL.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.06.2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 21.11.2017 in connection with Crime No. 746 of 2017 registered at Police Station Bemetara, Distt. Bemetara, for the offence punishable under Section 20-B of the NDPS Act.
2. As per prosecution case, it is alleged that the present applicant on the date of incident i.e. on 21.11.2017 was found to be in possession of 1.8 KG Ganja.
3. Learned Counsel for the applicant submits that the present applicant has been falsely implicated in the case and that it is first criminal case which has been lodged against the applicant and there is no past antecedent whatsoever under the NDPS Act. Even otherwise, the investigating agency have not complied with mandatory provisions of the NDPS Act. Thus, prayed that the present applicant be released on bail.

4. The State counsel opposing the application submits that it is a case where all the statutory compliance as is required under the NDPS Act have been fulfilled and that considering the fact that it is a case under NDPS Act, the applicant does not deserve bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the period of custody undergone by the applicant and the alleged quantity of Ganja seized from the possession of applicant, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge