

HIGH COURT OF CHHATTISGARH AT BILASPUR
M.Cr.C. No.3470 of 2018

Gopal Saha, wrongly mentioned as Gopal Sav S/o Johari Saha, aged about 32 years, R/o S-16, Keval Park, Azadpur, P.S. Adarsh Nagar, North Delhi, India.

---Applicant

Versus

State of Chhattisgarh, Through - Police Station Bodhghat, Jagdalpur, District Bastar (C.G.).

---Respondent

For applicant	:	Shri Rajesh Jain, Advocate.
For resp./State	:	Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

26/06/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.17/2018 registered at Police Station Bodhghat, Jagdalpur, District Bastar (C.G.) for the offence punishable under Section 20-B of Narcotics Drugs and Psychotropic Substance Act, 1985.
2. Present applicant is in jail since 16/01/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant and the co-accused persons were found on the railway station, Jagdalpur (C.G.) and the present applicant was found in possession of 4 k.g. of Gaanja.
4. The counsel for the applicant submits that, it is a case where the applicant has already remained in custody for a period of almost 6 months and that there is no fast progress in the trial also and there is all possibility of trial getting prolonged unnecessary. He further submits that, even on merits,

the present applicant has a good case as the mandatory requirements as required under the provisions of NDPS Act has not been complied with while search and seizure was conducted and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, it is a case where there were in all 6 persons moving in the railway station and the present applicant was found in possession of 4 k.g. of Gaanja and considering the fact that it is a case under the NDPS Act, the present applicant may not be released on bail.

6. Having heard the contentions put forth on either side and on perusal of record so also taking into consideration the period of custody undergone and the fact that there does not appear to be fast progress made in the trial. Further also taking note of the fact that the prosecution has not been able to state whether there was any past antecedent in respect of applicant available 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.

Sd/-

(P. Sam Koshy)
JUDGE