

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 3563 of 2018**

Mansai Gond S/o Sunaram Gond Aged About 60 Years R/o- Village Sutarra, P.S. Katghora, District- Korba, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station Katghora, District- Korba, Chhattisgarh.

---- Non-applicant

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| For Applicant:           | Shri Basant Kaiwartya, Advocate. |
| For State/Non-applicant: | Shri V. B. Singh, PL.            |

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**Single Bench: Hon'ble Shri Sanjay Agrawal, J****Order On Board****10.09.2018**

1. The applicant has filed this bail application under Section 439 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.') for grant of regular bail as he has been arrested on 15.04.2018 in connection with the crime No. 119/2018 registered in Police Station Katghora, District-Korba for the offence punishable under Section 20(a) of Narcotics, Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act').
2. Case of the prosecution is that a secret information was received by the concerned Station House Officer on 15.04.2018 that the applicant, resident of village Sutarra, has cultivated the cannabis plants (*ganja*). Based upon the said information, a search was made, in which, the alleged (cannabis) plants (in 10 numbers) were recovered from the orchard which is situated back side of the applicant's house and accordingly a crime has been registered as above.
3. Shri Basant Kaiwartya, learned counsel for the applicant submits that the

applicant is innocent and has been falsely implicated in connection with the said crime. He submits further that the alleged cannabis plants were recovered from the orchard, however he is not the owner of the same, and therefore, it cannot be said that he cultivated the cannabis plants in the said orchard. He submits further that the applicant is in jail since 15.04.2018 and since the charge sheet has already been filed, therefore, the applicant may be released on bail.

4. On the other hand, Shri V. B. Singh, learned counsel for the State opposes the bail application by submitting *inter-alia* that the alleged cannabis plants were recovered from the applicant's possession, and therefore, he is not entitled to be released on bail as the offences punishable for ten years and shall also be liable to fine which may extend to Rs. 1,00,000/-. According to him, the offence is serious in nature, therefore, the applicant is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the entire case diary carefully.

6. Having considered the facts and circumstances of the case and that by considering the recovery of the alleged cannabis plants from the orchard of the applicant which *prima facie* appears to be recovered from his possession, I am not inclined to enlarge the applicant on bail. Accordingly, the bail application is rejected.

Sd/-

(Sanjay Agrawal)  
**JUDGE**