

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3642 of 2018**

Sanjay Garhewal S/o Siyaram Garhewal Aged About 37 Years R/o-
Village- Chakarbhatha Basti, Ward No. 09, Police Station- Chakarbhatha,
District (Revenue And Civil)- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station- Sirgitti, District (Revenue
And Civil)- Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant:

Smt. Mandavi Bhardwaj, Advocate.

For State/Non-applicant:

Shri V. B. Singh, PL.

Single Bench: Hon'ble Shri Sanjay Agrawal, J**Order On Board****23.08.2018**

1. The applicant has filed this bail application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail as he has been arrested on 21.01.2018 in connection with the crime No. 16/2018 registered in Police Station Sirgitti for the offence punishable under Section 20-B of Narcotics, Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act').
2. Case of the prosecution is that on the basis of the secret information the police station Sirgitti found that the applicant was transporting contraband article i.e. *ganja* and recovered 11 kg of *Ganja* from the possession of the applicant. Based upon which a case under Section 20-B of the NDPS Act was registered against the applicant, who has been arrested on 21.01.2018.
3. Smt. Mandavi Bhardwaj, learned counsel for the applicant submits that the applicant has been falsely implicated in connection with the said crime. It is

submitted further that *Ganja* so recovered is less than the commercial quantity as prescribed in the notification issued by Central Government, 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 and submits that on the basis of the secret information to the effect that the applicant was transporting the alleged *Ganja* illegally and, therefore, upon secret information the said *Ganja* was recovered from the applicant, and as such, he 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 quantity of the *Ganja* which is less than the commercial quantity as prescribed in the notification issued by the Central Government and also the fact that the applicant is in jail since 21.01.2018, I am inclined to release him on bail. The bail application is accordingly allowed.

7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed. It is, however, made it clear that I have not entered into the merits of the case and the trial Court shall proceed with the matter without influencing any of the observations of mine.

Sd/-

(Sanjay Agrawal)
JUDGE