

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3658 of 2018**

- Tirath Sahu S/o Shiv Narayan Sahu Aged About 25 Years R/o- Village Kavagi, Police Station Rani Tarai, District- Durg, Chhattisgarh.,

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Urla, District- Raipur, Chhattisgarh.,

---- Respondent

For Applicant	:	Ms. Ankita Shriwas, Advocate
For Respondents/State	:	Shri V.B.Singh, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****29.08.2018**

1. This is first bail application preferred under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Cr.P.C.) for grant of regular bail to the applicant as he has been arrested on 26.04.2018 in connection with Crime No.166/2018 registered in Police Station Urla, District Raipur (C.G.) for the offence punishable under Sections 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the Act of 1985)

2. Case of the prosecution is that a secret information was received to the concerned Station House Officer on 26.04.2018 that the applicant was selling the contraband article (ganja) illegally and based upon such information, a search was made wherein 5.2 kg ganja was recovered from the possession of the applicant whereupon a crime has been registered against the applicant as above.

3. Ms. Ankita Shriwas, learned counsel appearing for the applicant submits that the applicant has been falsely implicated in connection with the aforesaid crime. She submits further that the quantity of contraband article, i.e., ganja so recovered from the applicant is less than commercial quantity, as per notification issued by the Central Government and the applicant is in jail since 26.04.2018, therefore, the applicant may be enlarged on bail.

4. On the other hand, Shri V.B.Singh, learned counsel for the State while opposing the bail application submits, inter alia, that since the alleged contraband article was being sold illegally by the applicant, therefore, he is not entitled to be enlarged on bail as the punishment provided in the said offence is for 10 years with fine, which may also extend to Rs.1 lakh. According to him, the offence is serious in nature, and therefore, the applicant is not entitled to be released on bail.

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

6. Having considered the facts and circumstances of the case and that by taking into consideration the quantity of the contraband article, i.e., ganja so seized from the applicant is of 5.2 kg, which is less than the commercial quantity, as per the notification issued by the Central Government and that by considering further that the applicant is in jail since 26.04.2018, I am inclined to enlarge him on bail.

7. The bail application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond of Rs.50,000/- (Rupees fifty thousand only) with one surety in like sum to the satisfaction of the concerned trial Court. He is directed to appear before the concerned trial Court on each and every date as and when directed by the trial

Court. 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 while allowing this application.

Sd/-
(Sanjay Agrawal)
Judge

Anjani