

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4217 of 2018**

- Moh. Ashim, aged 23 year S/o Abdul Sattar, R/o village - Kotapara, Hospital Road, District Korapur (Orissa)

---- Applicant**Versus**

- State of Chhattisgarh - Through : P.S. Borai, District Dhamtari (C.G.)

---- Respondent

For Applicant. : Shri Hemant Gupta, Advocate.
For Respondent. : Shri Rahul Tamaskar, P.L.

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****03/07/2018**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 10.08.2017 in connection with Crime No.09/2017 registered at Police Station : Borai, District Dhamtari (C.G.) for the offence punishable under Section 20(b) of N.D.P.S. Act.
2. As per the prosecution case, on 10.08.2017 the applicant and co-accused were found in possession of 62.5 kg cannabis.
3. Learned counsel for the applicant submits that exclusive possession of the applicant in respect of contraband article has not been proved by the prosecution and he has been falsely implicated in the crime in question. He further submits that if at all any case is made out that would be against the co-accused. He also submits that the applicant is suffering from jaundice and is hospitalized and, therefore, on

medical ground also he is entitled for bail. He further submits that the jail authorities are not in a position to bear the entire expenses of treatment of the applicant and, therefore, he be granted temporary bail for a limited period so that he can take treatment at his own expenses.

4. On the other hand, opposing the bail application it has been argued by the State counsel that the applicant was found in exclusive possession of 62.5 kg cannabis and all the mandatory provisions of the NDPS Act have been duly complied with by the prosecution. In respect of ailment of the applicant, it has been submitted by the State counsel that due care would be taken by the jail authorities.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the nature of evidence available against the applicant, I am not inclined to release him on bail.
7. Accordingly, the application is rejected. However, the jail authorities are directed to provide adequate treatment to the applicant and if some serious ailment is detected, he be produced before the team of 3 senior doctors at Medical College, Raipur.
8. Needless to say that the State is bound to provide all the treatment to the applicant and, therefore, it is expected from the jail authorities as also from the State authorities to take all possible precaution.

Sd/-

(Pritinker Diwaker)
Judge