

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.4438 of 2018

Prem Bai alias Guddi Satnami W/o Shri Ramgopal, aged about 40 years, R/o Ward No.8, Civil Lines, Simga, District Balodabazar Bhatapara (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - the Police Station Simga, District Balodabazar Bhatapara (C.G.).

---Respondent

For applicant	:	Ms.Supriya Upasana, Advocate.
For State	:	Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/07/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.152/2018 registered at Police Station Simga, District Balodabazar Bhatapara (C.G.) for the offence punishable under Section 20-B of NDPS Act.
2. Present applicant is in jail since 25/05/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant on the date of incident i.e. on 25/05/2018 was found in possession of 1.650 K.G. of Gaanja at his Grocery Shop.
4. The counsel for the applicant submits that, so far as the exclusive possession of the contraband is concerned, the same has not been established as the seizure has been made from the Grocery Shop of the

present applicant and a large number of persons come to the shop for purchasing the goods and articles and the possibility of some person having left the contraband there cannot be ruled out. She further submits that, even otherwise, the quantity of contraband seized from the possession of the present applicant is a small quantity and that the applicant has already remained in custody for a period of about 1 ½ months and thus prayed for releasing the applicant on bail.

5. The State counsel opposed the bail application.

6. Given the facts and circumstances of the case particularly taking into consideration the quantity of the contraband seized and the period of custody undergone by the present applicant so also considering the fact that the present is a first case in which the applicant is involved under the provisions of NDPS Act, 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

Sumit