

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5475 of 2018

- Sanjay Kumar Thakur S/o Shri Gupta Thakur Aged About 28 Years Village- Sondih, Police Station- Madanpur, Present Address- Village- Baheramal, P.S. Jharsuguda, District- Jharsuguda, (Odisha)

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Jhilmili, District- Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rishi Sahu, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2018

This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No.20/2018 registered at Police Station Jhilmili, District Surajpur, Chhattisgarh for the offence punishable under Sections 20 (b) of NDPS Act.

2. The present applicant is in jail since 07.02.2018 in connection with the aforesaid crime number.

3. The case of the prosecution is that from the applicant and co-accused, the Ganja kept in unauthorized possession was recovered.

4. Learned counsel for the applicant submits that the alleged seizure of Ganja from the applicant is false and he is not involved in the offence. He further submits that the investigation is complete, charge sheet has been filed and the applicant is in jail since 07.02.2018.

5. On the other hand, the State counsel opposing the bail application submits

that from the possession of the applicant 4.5 Kgs of Ganja was recovered and therefore, in this circumstances, a *prima facie* case is made out.

6. Taking into consideration the submission of the learned counsel for the parties, particularly taking into consideration the total quantity of Ganja alleged to be recovered from the possession of the applicant and that he is in jail since 07.02.2018, investigation is complete, charge sheet has been filed and there are no criminal antecedent of commission of similar offence by the applicant, this Court is of the opinion that *prima facie* a fit case has been made out for grant of bail to the applicant.

7. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned Trial Court, with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge