

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 7217 OF 2017

Baiju Gawli S/o Ramesh Gawli, aged about 24 years, R/o Gawli Para, Bairon Bazar, Raipur, Distt. Raipur (CG).

... Applicant

Versus

State of Chhattisgarh, through Police Station Kotwali, Distt. Raipur (CG).

... Respondent

For Applicant	:	Ms. Sharmila Singhai, Advocate.
For Respondent-State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/02/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 21.07.2017 in connection with Crime No. 223 of 2017 registered at Police Station Kotwali, Distt. Raipur, for the offence punishable under Section 20-B of the NDPS Act.
2. As per prosecution case, the applicant was found in possession of 5 kg of Ganja.
3. Learned Counsel for the applicant submits that the applicant has remained in jail for more than 7 months. Further, till now two prosecution witnesses have been examined and both of them have not supported the case of the prosecution and has turned hostile. Therefore, the applicant may be released on bail.
4. On the other hand, the State counsel opposing the application submits that the applicant was found to be in possession of 5 kg of Ganja and therefore considering the quantity of contraband seized from the possession of the applicant, he does not deserve bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that two witnesses examined till now have not supported the case of the prosecution and also considering the period of custody undergone, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-

(P. Sam Koshy)
Judge