

HIGH COURT OF CHHATTISGARH AT BILASPURMCRC No. 1661 of 2019

Narayan Sahu @ Golu Sahu S/o Santu Ram Sahu Aged About 35 Years
 R/o Vijay Nagar, Bhanpuri, Police Station Khamtarie, District (Revenue
 And Civil) Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
 Khamtarie, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For applicant	:	Mr. Yogesh Pandey, Advocate.
For resp./State	:	Shri Rahul Mishra, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/03/2019

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 492/2018 registered at Police Station Khamtarie, District Raipur (C.G.) for the offence punishable under Section 20(B) of IPC.
2. Present applicant is in jail since 10/09/2018.
3. The case of the prosecution against the present applicant along with the co-accused were found to be in possession of 6 K.G.'s of Ganja on 10/09/2018 when they were travelling on motor bike. Counsel for the applicant submits that the present applicant has been falsely implicated in

the instant case and he further contended that mandatory provisions of the NDPS Act also also has not been duly followed in course of the investigation. He further submits that the case of the petitioner also gets attracted from the recent judgment of the Supreme Court recently passed in the case of **Mohan Lal Vs. State of Punjab passed in Criminal Appeal No. 1880/2011**, where complainant and the investigating agency is the same person.

4. The State counsel however opposing the bail application submits that, since it is a case of NDPS Act and the quantity of Ganja seized is 6 K.G., therefore present applicant should not be granted bail at this juncture.

5. Having heard the contentions put forth on either side and on perusal of record, particularly taking into consideration the period of custody undergone and also taking note of the relevant facts and circumstances, this Court is of the opinion that prima-facie, a strong case has been made out for grant of bail to the present applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on their 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