

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2265 of 2019**

- Denga @ Babu Sarkar S/o Harilal Sarkar Aged About 38 Years R/o 18 Block, Mana Camp, Raipur, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Mana Camp, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri B.L. Sahu, Advocate.

For Respondent/State : Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**03/05/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 104/2019, registered at Police Station – Mana Camp, Raipur, District – Raipur, Chhattisgarh, for the offence punishable under Sections 20(B) of NDPS Act.
2. As per the prosecution story, on 24.03.2019, on the basis of information received from an informant, police personnel searched the Applicant and total 3 kg of contraband ganja has been seized from his possession. On the basis of the said, offence has been registered. The Applicant has been taken into custody on 24.03.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that mandatory provisions of the Act has not been complied with. The Applicant is in custody since 24.03.2019 and trial will take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that there are some previous antecedents of the Applicant.
5. However, Counsel for the Applicant submits that cases pending against the Applicant have already been disposed off.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that quantity of the contraband ganja is small, Applicant is in custody since 24.03.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge