

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3361 of 2019**

Umashankar Shrivastava, S/o Durga Prasad Shrivastava, Aged About 52 Years, R/o Amapara, Kanker, District- North Bastar Kanker (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station- Kanker, District North Bastar Kanker (C.G.)

---- Respondent

 For Applicant : Mr. N.K. Chatterji, Advocate on
 behalf of Mr. Mukesh Shrivastava,
 Advocate.

For State : Mr. Rahul Jha, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

07/06/2019

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 29.04.2019 in connection with Crime No. 122/2019 registered at Police Station- Kanker, District- North Bastar Kanker (C.G.), for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (For short "the NDPS Act").
2. As per case of the prosecution, on 29.04.2019, the applicant was in possession of contraband article ganja to the tune of 750 grams.
3. Learned counsel for the applicant submits that the quantity of contraband article ganja seized from possession of the applicant is small quantity. He further submits that the

applicant is innocent and has been falsely implicated and mandatory provision of the NDPS Act has not been complied with in the present case, therefore, the applicant may be enlarged on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.
5. Looking to the quantity of contraband article seized in the present case and further looking to the fact that the trial will take sufficient time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 20,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Vacation Judge