

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3675 of 2019**

Surendra Mihir, S/o -Kokilo Mihir, Aged about -35 years, R/o-
Village-Chichaiguda, Police Station Junagarh, District -Kalahandi
Odisha. **---- Applicant**

Versus

State of Chhattisgarh, Through: The Police Station -Lalbagh,
District - Rajnandgaon (C.G.) **---- Respondent**

For Applicant : Shri S.S. Baghel, Advocate.

For State/Respondent : Shri Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****19/07/2019**

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the applicant who has been arrested on 11th February, 2018 in connection with Criminal Case No. 66/2018 registered at Police Station- Lalbagh, District- Rajnandgaon (C.G.) for offence under Section 20(b) of NDPS Act, 1985.
2. The case of the prosecution, in brief, is that on receiving the secret information from the informant that the applicant along with other co-accused was carrying contraband article in their vehicle bearing registration No. CG 08 K 1117, Police party made search, on search contraband article Ganja was found in their possession and on weighing it was found to be 22.054 kgs and thereby they committed the aforesaid offence.
3. Learned counsel for the applicant submits that applicant was arrested on 11th February, 2018 and thereby he is in custody for more than 1 year and 5 months, the trial is not concluded,

applicant is suffering from HIV disease, he is innocent and he will abide by conditions, if released, on bail.

4. On the other hand, learned counsel for the State opposing the bail application would submit that the contraband article Ganja was seized from the possession of applicant and co-accused Govind Ghee on 11th February, 2018 and on weighing it is found to be more than 22 kgs which is commercial quantity. He would further submit that so far as the treatment of the applicant is concerned as per report of jail authorities, he is being treated in Durg Hospital at proper centre and if applicant is willing to be treated in some other place, he may file an application before the jail authorities which shall be considered by the said authorities. The charge levelled against the applicant is serious in nature and the act committed by the applicant for the said offence is punishable up to 10 years, therefore, he is not entitled to be released on bail.
5. Considering all the facts and circumstances of the case, nature of offence and quantity of Ganja which is alleged to be seized from the applicant, I am of the considered opinion that it is not a fit case to enlarge the applicant on bail.
6. Accordingly, the instant bail application is liable to be and is hereby dismissed.

Sd/-
(Ram Prasanna Sharma)
Judge