

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3815 of 2019

- Manoj Kumar Sahu S/o Kamta Prasad Sahu Aged About 39 Years R/o Rajpur, Police Station Dhamdha, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chhuikhadan District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/06/2019

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. 93/2019, registered at Police Station Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. As per prosecution story, on 26.03.2019, on the basis of information received from an informant, investigating officer of the case searched the Applicant and seized total 3.800 Kgs. of contraband *Ganja* from his possession and he has been taken in custody on 26.03.2019 itself.
3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in

the case. Mandatory provisions of the NDPS Act have not been complied with. Applicant is in custody since 26-03-2019, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that the applicant has previous three cases of same nature, therefore, he should not be released on bail.
5. However, Counsel for the Applicant submits that, at present only one case is pending against the Applicant and in all other cases, he has already been acquitted.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the small quantity of the seized contraband '*ganja*', Applicant is in custody since 26-03-2019, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant 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. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge