

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2149 of 2020

- Priyesh Kushwaha S/o Shri Anil Kumar Kushwaha Aged About 30 Years R/o Village Tikoriya Toli, Satna Madhya Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Bastar, District Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ishan Verma, Advocate
For Respondent/State	: Shri Samir Sharma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

18/05/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.598/2019 registered at police station Bastar, District Bastar (CG) for the offence punishable under Section 20(B) of the Narcotics Drugs and Psychotropic Substances Act.

As per prosecution case, on the basis of secret information, the police seized 9.4 kgs. of ganja from the possession of the applicant and the co-accused who were sitting in the bus stand at village Deurgaon.

Counsel for the applicant submits that the applicant has been falsely implicated in the case and the mandatory provisions of NDPS

Act have not been complied with. He further submits that the seized contraband was less than commercial quantity. He submits that similarly placed co-accused has been granted bail by this Court in M.Cr.C. No.227/2020 vide order dated 24.02.2020 and therefore the present applicant may also be granted the benefit. He submits that the applicant is in jail since 20.11.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 50,000/- with one local surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge