

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2969 of 2020**

Shahrukh Khan, age 27 years, S/o Fahrukh Khan, R/o Besides Suresh Sweets,
P.S. - Moudahapara, Dist: Raipur (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, P.S. - Kotwali, Dist. Raipur
(C.G.)

----Non-applicant

For Applicant	: Mr. Devershi Thakur, Advocate
For Non-applicant/State	: Mr. Animesh Tiwari, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/08/2020**

- (1) Proceedings of this matter have been taken up through video conferencing.
- (2) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 115/2020 registered at police Station Kotwali, Dist: Raipur (C.G.) for the offence punishable under Section 21 (b) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
- (3) Case of the prosecution, in brief, is that the present applicant was found in possession of 990 grams Charas unauthorizedly and without authority of law and thereby committed the aforesaid offence.

(4) Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as he has not committed any offence. He submits that the applicant has been arrested on 19.03.2020 and as per serial No. 23 of the notification dated 16th July, 1996 issued by the Central Government, small quantity of the Charas is prescribed as 100 grams *and* commercial quantity of the Charas is prescribed as 1 kilograms *whereas* the applicant was found in possession of 990 grams of charas, which is more than the small quantity but less than the commercial quantity and, therefore, the applicant is entitled to be released on bail.

(5) On the other hand, counsel for the State opposes the bail application.

(6) I have heard learned counsel appearing for the parties and perused the case diary.

(7) Taking into consideration the facts & circumstances of the case, nature & gravity of the offence and the huge quantity of Charas seized i.e. 990 grams, which is slightly less than the commercial quantity in view of the notification dated 16th July, 1996 issued by the Central Government (serial No. 23); I am not inclined to released the applicant on bail. Thus, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

