

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3236 of 2020**

- Kundan Dixit Aged About 40 Years S/o. Jagat Narayan Dixit, R/o. Brahmdeyi para, P.S. - Khamtarai, Distt. - Raipur (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through – Station House Officer, P.S. - Khamtarai, Distt. - Raipur (CG)

---- Respondent

For Applicant	:	Shri J.K. Gupta, Advocate
For State	:	Smt. Fouzia Mirza, Addl. Adv. Gen.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/11/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.189/2020 registered at Police Station – Khamtarai, District – Raipur (C.G.) for alleged commission of offences under Section 20 (b) NDPS Act.
2. Prosecution case is that the applicant was found in illegal possession of *ganja* weighing 2.5 Kg.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. He would submit that there are many criminal cases registered against the applicant and the applicant has been falsely implicated in the present case. He would submit that looking to the quantity which has been seized and that the applicant is in jail since more than five months, he may be granted bail.
4. On the other hand, learned State counsel opposes bail application and submits that the seizure of *ganja* in the quantity of 2.5 kg from the possession of the applicant is *prima facie* made out in view of the material with regard to seizure witnessed by the witnesses. Next submission is that the applicant is a habitual criminal and against him,

as many as 38 criminal cases have been registered. Therefore, if the applicant is granted bail, he is most likely to misuse the liberty and indulge in other criminal cases.

5. Though, it appears that number of criminal cases have been registered against the applicant, in the present case, looking to the present quantity of *ganja* alleged to be seized from the possession of the applicant, even if the prosecution succeeds in proving the case and considering the pre-trial detention which is approximately five months, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.
- c) If it is found that the applicant is misusing the liberty by indulging in commission of offence of similar nature or any other kind of offence, the State may apply for cancellation of bail.

Certified copy as per rules.

(Manindra Mohan Shrivastava)
Judge