

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5122 of 2020

- Seikh Saharukh S/o Seikh Sattar Aged About 28 Years R/o Nardha Pacheda Above The Mosque Police Station Vidhanshabha Raipur, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Ganj Raipur, Distt.- Raipur, (C.G.)

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For State	:	Mr. K.K. Singh, G.A.

Hon'ble Shri Justice Manindra Mohan ShrivastavaOrder On Board08/12/2020

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.130/2020 registered at Police Station- Ganj, District- Raipur, C.G. for the offence under Section 20 (B) of NDPS Act.
2. Prosecution case is that upon receipt of *Mukhbir* information, when the applicant was intercepted on the road, 2.180 KG of *Ganja* was recovered from his possession.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and false seizure has been made. It is further submitted that investigation is complete and charge sheet has been filed, therefore, in these circumstances, when the applicant is in jail since 16.07.2020, the applicant may be granted bail.
4. On the other hand, learned State Counsel opposes and submits that though the quantity allegedly seized from the possession of the applicant is not commercial quantity, the applicant is habitual offender and against him one more case of his involvement was also registered in the commission of offence

under NDPS Act. Therefore, in case the applicant is granted bail, applicant is most likely to misuse his liberty.

5. Taking into consideration the submissions of learned counsel for the parties and that in the present case, the allegation against the applicant shows that from his possession, 2.180 KG of *Ganja* is seized. It appears that earlier also a case under NDPS Act was registered against the applicant, however, particularly taking into consideration the quantity of *Ganja* allegedly seized from the possession of the applicant and that he is in jail since 16.7.2020, charge sheet has also been filed, I am inclined to grant bail to the applicant with the strict conditions.
6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on 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 concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
7. If the applicant is found involved in similar offence in future, the bail granted to the applicant in the present case shall be liable to be cancelled.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge