

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6172 of 2020

Aakash Dolekar S/o Shri Prem Dolekar Aged About 20 Years R/o Baitul Bazar,
P.S.- Baitul Bazar, District- Baitul, M.P.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, P.S.- Tikrapara, District-
Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sangeet Kushwaha, Advocate
For State	:	Shri K.K. Singh, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/11/2020

Heard.

1. The applicant is arrested in connection with Crime No.275/2020 registered in Police Station -Tikrapara, District -Raipur (CG) for alleged commission of offence under Section 20 (B) of the NDPS Act.
2. Case of the prosecution, in brief, is that upon receipt of information, the police intercepted the applicant and co-accused on 17.7.2020 near overbridge of Pachpedi Naka and from possession of the applicant and co-accused, 4.500 kg ganja was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case. He has not committed any such offence. On the request of his friend, he had accompanied him and recovery made from the co-accused cannot be said to be of conscious possession of the applicant. He next submits that investigation is complete, charge sheet has been filed and the applicant is in jail since 17.7.2020. Therefore, looking to the period of pre-

trial detention, filing of charge sheet and also the quantity alleged to have been seized from co-accused, the applicant may be granted bail as he has no criminal antecedents and not likely to abscond.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that a prima facie case is made out as, when the applicant and co-accused were intercepted, 4.500 kg of ganja was recovered from the possession of the two accused who were traveling in a vehicle.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the investigation is complete, charge sheet has been filed, the applicant is in jail since 17.7.2020 and also taking into consideration the quantity of ganja and the punishment that could be imposed for the alleged commission of offence, I am inclined to grant bail to the applicant.
6. The application is accordingly 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 two local sureties 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge