

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5971 of 2020**

1. Garib Vishal, S/o Ramchandra Vishal, aged about 48 years, Occupation Agriculture, R/o Village Sursi, Thana Sariya, District Raigarh (CG)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police station Sariya, District Raigarh (CG)

---- Non-Applicant

For Applicant : Shri Sanjay Agrawal, Advocate.
For Non-Applicant : Shri HS Ahluwalia, Deputy AG.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****09/12/2020 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.100/2020 registered in Police Station Sariya, District Raigarh for offence under Section 20 (A) & (B) (i) of the NDPS Act.
2. The applicant was found to have planted 17 cannabis plants over the agricultural land belonging to him.
3. It is argued that the applicant has in fact grown Chili and Bitter-gourd in his field and the cannabis plants have grown of their own for which the applicant cannot be held criminally liable.

4. Per contra, learned State Counsel submits that the cannabis plants were grown midst the crop of Bitter-gourd and Chili to conceal/camouflage, therefore, the applicant is very much responsible for committing offence.
5. Panchanama prepared at the time of recovery does not specify that the plants bear flowering and fruiting tips. It is referred as plant only. Moreover, the case diary does not contain statements of any villager that they have seen the applicant consciously growing or cultivating the cannabis plants.
6. Having considered the material available in the case diary and for the fact that the applicant is in jail since 15.7.2020 and there is no criminal antecedents of his involvement in commission of similar nature of offence, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Judge
(Prashant Kumar Mishra)