

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7816 of 2020

Devdas Patel S/o Dirabi Das Patel Aged About 33 Years R/o Village-Singhanpuri, Police Station- Singhanpuri Jangal, District- Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-Singhanpuri Jangal, District- Kabirdham (Chhattisgarh), District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant	:	Shri Tarun Dansena, Advocate under instructions from Shri Dharmesh Shrivastava, Advocate
For State	:	Shri Lalit Jangde, Dy.G.A.

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

Order On Board

04/12/2020

Heard.

1. The applicant is arrested in connection with Crime No.57/2020 registered in Police Station –Singhanpuri Jangal, District- Kabirdham (CG) for alleged commission of offence under Section 20 (b) of the Narcotic Drugs & Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that the applicant was intercepted on *mukhbir* information and from his vehicle, 5.150 kg ganja was seized for which the applicant failed to disclose any valid authority for such possession.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case by preparing a false seizure. He has not committed any such offence. Mandatory provision with regard to seizure has

not been followed. The applicant is a handicapped person and there is no further requirement of custodial interrogation because all proceedings of seizure have been completed. Learned counsel for the applicant further submits that the applicant is in jail since 3.10.2020, therefore, he may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that upon receipt of information, the applicant was intercepted and from his possession, in the presence of independent witnesses, 5.150 kg of ganja has been seized, therefore, a prima facie case is made out.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the applicant is in jail since 3.10.2020 and further taking into consideration the quantity of ganja allegedly seized from the possession of the applicant and that there are no criminal antecedents of commission of similar offence by the applicant and that the applicant claims to be a handicapped person, 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 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge