

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7962 of 2019**

Jagdish Arya, S/o Raj Kumar, Aged about -43 years, R/o House No. 83, Gaziabad,
District – Gaziabad, (U.P.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station – Bodhghat, Distt. Bastar (Jagdalpur)
(C.G.)

----Non-applicant

For Applicant	:	Mr. Ishan Verma, Advocate.
For Non-applicant	:	Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****27/01/2020**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 243/2019 registered at police Station Bodhghat, Distt. Raigarh for the offence punishable under Section 20-B of the N.D.P. S. Act.

(2) Case of the prosecution is that the applicant was found in possession of 5 kilograms and 2 kilograms cannabis (*Ganja*) in two black trolley bags, which he was carrying unauthorizedly for sale.

(3) Learned counsel appearing on behalf of the applicant submits that applicant has falsely been implicated in the crime in question as there is no evidence available on record to connect the applicant with the crime in question. He further submits that total quantity of Ganja i.e. 7 kilograms, which was seized from the possession of present applicant, is less

than the commercial quantity. He further submit that applicant is in detention since 27.09.2019, no useful purpose would be served in detaining him further in jail and the fact that trial is likely to take some more time for its final disposal, and therefore, the applicant is entitled to be released on bail.

(4) On the other hand, learned counsel for the State, opposes the bail application.

(5) Taking into consideration the nature and the gravity of the offences and further considering the facts that applicant is in detention since 27.09.2019; quantity of ganja, which was seized from the possession of present applicant, is less than the commercial quantity and the trial is likely to take some more time for its final disposal; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

