

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8383 of 2019**

- Mahendra Kushwaha S/o Panchamlal Kushwaha Aged About 20 Years R/o Koni Opposite To Vilasa Tal Garden, Near Mahamaya Temple, Police Station Koni, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station G.R.P. Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Rajesh Jain, Adv.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****07/02/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.283/2019, registered at Police Station - G.R.P. Raipur, District Raipur (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution story, in brief, is that the police of police station G.R.P. Raipur, acting on a tip-off, seized 28.000 kilogram contraband article cannabis from the possession of the applicant. Based on this, offence has been registered against the applicant. Present applicant has been taken into custody on 01.11.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the ganja was seized from the train and not from the possession of the applicant. In this case, the

informant and the investigating officer is one and same. He also submits that the mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. He also submits that the applicant is in custody since 01.11.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, in particular the quantity of ganja, and further considering the fact that the applicant is in custody since 01.11.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge