

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 675 of 2021**

- Chiman Yadav, S/o Late Bhukhan Yadav, Aged About 42 Years, R/o Ward No. 8, Mararpara Balod, District Balod (C.G.)

---- Applicant (in jail)**Versus**

- State of Chhattisgarh, Through Police of Police Station Balod, District Balod (C.G.)

---- Respondent

For Applicant	: Shri Govind Dewangan, Advocate
For Respondent/State	: Shri Anand Verma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**23.03.2021**

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.270 of 2019 registered at Police Station Balod, District-Balod CG for the offence punishable under Section 8/20 (a)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution in brief is that on the basis of secret information, Police has made search of the house of present applicant and during the course of search, five plants of Ganja have been found weighing 925 gms. Thereafter, crime for aforementioned offence was registered against the present applicant. He was arrested on 16.06.2019.
3. Shri Govind Dewangan, learned counsel for the applicant submits that applicant has been falsely implicated in the case; total weight of Ganja seized shown in the charge-sheet is of the entire plants and the Investigating Agency has not measured the actual quantity of Ganja. He further submits that even otherwise, quantity of alleged contraband recovered from the possession of present applicant is less than the small quantity.

4. Shri Anand Verma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that five plants of Ganja have been recovered from the house of present applicant. He submits that the applicant is not entitled for the benefit under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration alleged seizure of five plants of Ganja from the house of present applicant, pre-trial detention since 16.06.2019, without commenting on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE