

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 593 of 2021

Dankeshwar Singh Rathiya S/o Pitamber Rathiya, Aged About 22 Years, R/o - Village Kudmura, Police Station -Kartala, District -Korba Chhattisgarh. (Age 19 Years is wrongly mentioned in the cause title ie Page No. 6).

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station -Kartala, District -Korba, Chhattisgarh.

--- Respondents

For Applicant : Mr. Basant Kaiwariya, Advocate.
 For Respondent/State : Mr. Anmol Sharma, PL.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

22/03/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.145/2020, registered at Police Station -Kartala, Distt -Korba, (C.G), for the offence under Section 20 (B) of NDPS Act.
2. Case of the prosecution is that on 25.07.2020, the Police received secret information that present applicant is carrying contraband (Ganja) with him on motorcycle bearing registration No.CG/12/AA/9211. On the basis of said information, the Police stopped motorcycle of applicant and during search, found that applicant is possessing contraband (Ganja) measuring about 1.300 kg.
3. Learned counsel for the applicant submits that present applicant was not carrying contraband (Ganja), a false and frivolous case has been registered against him. Seizure has been made as per the seizure memo on public road. Quantity of contraband (Ganja) allegedly seized from possession of applicant is less than commercial quantity. He is in jail since 25.07.2020, hence, he may be released on bail.
4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that on the basis of secret information, the Police has

stopped the motorcycle of applicant near forest barrier of Kudmura and total 1.300 kg of contraband (Ganja) has been recovered from his possession. Seizure has been made in presence of witnesses, therefore, applicant is not entitled for bail. On putting specific query, learned State Counsel submits that there is no mention of any criminal antecedents of applicant in case diary.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, total quantity of contraband (Ganja) and the fact that applicant is not having any criminal antecedents as per case diary as stated by learned State Counsel, period of detention of applicant, without commenting anything on merits of the case, I am inclined to allow bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing bail bond in sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear as and when directed by the investigating agency during the course of investigation.
 - b) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-