

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 792 of 2021**

Shiv Pradhan @ Shib S/o Anam Pradhan Aged About 34 Years R/o Village- Kodla Inam Belpada, Police Station- Kodla, District- Ganjam, Odisha.

Present R/o Kenal Sahi Paileepada, Police Station- Gangapur, District- Ganjam, Odisha

---- Applicant**Versus**

State of Chhattisgarh Through the Station House Officer, Police Station- Basna, District- Mahasamund, Chhattisgarh

---- Non-applicant

 For Applicant : Shri Shivendu Pandya, Advocate
 For Non-applicant/State : Shri Anand Verma, Dy. Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****21.05.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 25.12.2020 in connection with Crime No.592 of 2020 registered at Police Station Basna, District Mahasamund (C.G.) for commission of the offence punishable under Section 20 (B) of Narcotics Drugs and Psychotropic Substance Act.
2. Case of the prosecution, in brief, is that, on 25.12.2020, at about 9.25 hours, when police was checking the vehicle at Padampur Road, Basna Check Barrier, they intercepted one

motorcycle bearing No.OD25-J-1378 and during the course of checking, they have recovered 5.990 Kgs. of Ganja in a motorcycle. On the basis of seizure of contraband Ganja, aforementioned crime was registered against the present applicant.

3. Shri Shivendu Pandya, learned counsel for the applicant submits that applicant has been falsely implicated in the case. He submits that quantity of Ganja allegedly recovered from the possession of applicant is less than commercial quantity. He further submits that the applicant is in jail since 25.12.2020 and there is no other criminal antecedent of similar nature of offence against the present applicant, hence, he may be enlarged on bail.
4. On the other hand, Shri Anand Verma, learned State Counsel opposes the prayer for grant of bail and submits that 5.990 Kgs. contraband Ganja has been recovered from the possession of present applicant. He pointed out that another offence under Section 379 of Indian Penal Code is registered against him in Crime No.516 of 2020.
5. Upon putting specific query with regard to criminal antecedent against the present applicant of similar nature, he submits that as per the case diary, there is no antecedent of similar nature of offence against the present applicant.
6. I have heard learned counsel for the parties.

7. Taking into consideration the nature of allegation, quantity of contraband recovered from the possession of present applicant, further that there is no other antecedent of similar nature against him and he is in jail since 25.12.2020, without commenting on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
- a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He 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)
Vacation Judge