

• **HIGH COURT OF CHHATTISGARH, BILASPUR**

MCRC No. 935 of 2021

- Chintamani Padhy (Wrongly Mentioned As Pani In The Order Sheet) S/o Jagbandhu Padhy Aged About 20 Years R/o Pathapur, Near Laxmi Mandir, Police Station Pathapur, Ganjam (Orissa)

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station GRP Bhilai, District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri Naveen Shukla, 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.74 of 2020 registered at Police Station GRP Bhilai, District-Durg CG for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that on 04.11.2020, Police of Police Station GRP Bhilai, District Durg received secret information that some persons with Ganja were travelling in Train No.02843, Puri-Ahmedabad SPL Train going from Bramhpur to Surat, on the basis of which, Police had anticipated and searched the present applicant and seized one red color trolley, containing 10 kg of Ganja. Applicant has been arrested on 04.11.2020 and crime for aforementioned offence was registered against him.
3. Shri Naveen Shukla, learned counsel for the applicant submits that applicant has been falsely implicated in the case; red color trolley in which Ganja has been seized is not owned by the applicant. The trolley containing

Ganja is seized from public vehicle where other passengers were also travelling. He further submits that contraband alleged to have been seized from the applicant is less than commercial quantity and applicant is in jail since 04.11.2020.

4. Shri Anand Verma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that present applicant has been found in possession of 10 kg contraband, which is more than small quantity and submits that the applicant is not entitled for the benefit under Section 439 of the CrPC. On a specific query regarding criminal antecedents of present applicant, learned counsel submits that as per the documents available in case diary, there is no criminal antecedents against present applicant. However, he submits that, applicant is resident of Orissa and there may be chances of his absconding.

5. Learned counsel for the applicant submits that applicant is ready to furnish local surety, if he is enlarged on bail.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations, levelled against the present applicant, place of seizure of contraband and further taking into consideration pre-trial detention since 04.11.2020, without commenting on merits of the case, I am inclined to enlarge the applicant on bail.

8. 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.25,000/- (Rupees twenty-five thousand) with one local 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