

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 861 of 2021**

- Roshan Bhuieya, S/o Ramjatan, Aged About 19 Years, R/o Amraiyyapara, Korba, Tahsil And District Korba Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Outpost Manikpur, Police Of Police Station Kotwali, Korba, District Korba Chhattisgarh

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate
For Respondent/State	: Shri Hari Om Rai, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**01.04.2021**

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.38 of 2021 registered at Police Station Manikpur, PS Kotwali, Korba CG for the offence punishable under Section 20B of the NDPS Act.
2. Case of the prosecution in brief is that on 12.01.2021, Police received secret information, based upon which applicant was intercepted at by-pass road near temple and during the course of search, they found 1.200 gms Ganja from the possession of applicant. Based upon the seizure of contraband, aforementioned crime was registered against him.
3. Shri Anil Gulati, learned counsel for the applicant submits that applicant has been falsely implicated in the case while he was moving towards by-pass road and Police arrested him. Seizure is from the open place, hence, applicant may be released on regular bail. In alternate, he submits that the quantity of Ganja seized from the applicant is small quantity and applicant is in jail since 12.01.2021.

4. Shri Hari Om Rai, learned Panel Lawyer for the State opposing the submission made by learned counsel for the applicant submits that applicant has been found in possession of 1.200 gms Ganja, hence he is not entitled for the benefit under Section 439 of the CrPC at this stage.

5. I have heard learned counsel for the parties.

6. Considering the nature of allegations levelled against the applicant, quantity of Ganja recovered from his possession, period of detention and looking to the entirety 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 shall be released on regular bail upon furnishing a bail bond in the sum of Rs.25,000/- (Rupees twenty-five 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