

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1117 of 2021**

- Tiluram Bhagat S/o late Dhone Uraon, aged about 55 years, R/o village Narkupara, Devari, Police Station Korandha, District Balrampur-Ramanujganj, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Station House Officer, P.S. Korandha, District Balrampur-Ramanujganj, Chhattisgarh

-----Respondent

For Applicant	: Mr. Arun Kumar Shukla, Advocate
For Respondent- State	: Mr. Ajay Kumrani, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****23/03/2021**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No.31/2020 registered at Police Station Korandha, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs & Psychotropic Substances Act.
2. Case of the prosecution is that, on the basis of the information received, Police of police station Korandha has made search of the house and *badi* of the present applicant and during the search, police has recovered 20 number of cultivated Ganja plants in the *badi*. Based on the above, offence under Section 20(B) of Narcotic Drugs & Psychotropic Substances Act has been registered against the present applicant and he was arrested on 21.09.2020.
3. Learned counsel for the applicant submits that the seizure of the plants has been made at open place, there are no papers to show that the place where the plants were seized is owned by the applicant. He

further contended that the police has not measured the weight of the contraband (Ganja) recovered from the possession of the present applicant. He is in jail since 21.09.2020 and he is not having any criminal antecedents, he may be enlarged on bail.

4. Opposing the submission made by learned counsel for the applicant, Mr. Ajay Kumrani, learned Panel Lawyer submits that the police on search of *Badi* of present applicant, seized 20 plants of *ganja* having 8-10 ft of height. Applicant at the time of arrest and seizure of the plant has not objected the ownership of the *Badi*. He submits that present applicant is not entitled for benefit under Section 439 of CrPC. Upon putting specific question with regard to the criminal antecedents of the applicant, counsel for the State submits that there is no material available in the case diary showing any criminal antecedent against him.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation levelled against the present applicant ie. seizure of 20 number of plants of contraband (ganja) and further there is no criminal antecedent against the present applicant and he is in jail since 21.09.2020, 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 shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution

witnesses.

c) If the applicant 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

Pawan