NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1116 of 2021

Vishun Singh Markam, S/o Late Shri Heeralal, Aged About 55 Years Caste - Gond, R/o - Village - Bhouta, Police Station - Jhagrakhand, District - Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station - Jhagrakhand, District - Koriya, Chhattisgarh.

---- Respondent

For the Applicant : Shri Pawan Shrivastava, Advocate.
For the Respondent/State : Shri Sameer Uraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

22.06.2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.192 of 2020, registered at Police Station – Jhagrakhand, District – Koriya, Chhattisgarh for the offence punishable under Section 20(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is an old-man, he is in jail since 25.10.2020 and has been falsely implicated in this case. No progress has taken place in the trial against him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the total weight of cannabis plants is about 25 kg, therefore, it is a commercial quantity. Hence, he is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the prosecution case, a raid was conducted by the police personnel of police station Jhagrakhand, District Koriya, Chhattisgarh on the premises of this applicant and there it was found that the applicant is cultivating cannabis plants. Total 25 number of cannabis plants were seized from the possession of this applicant.

6. Considered the submissions and the contents of the case-diary. As the trial is pending and the applicant is in jail since about 10 months, therefore, I feel inclined to grant regular bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi