

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 1273 of 2021

Akhilesh Singh Chauhan S/o Jageshwar Chauhan, Aged About 42 Years, R/o-
 Luhari, Police Station -Majhauri, District -Jabalpur, Madhya Pradesh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station -Gidhauri,
 District -Baloda Bazar Bhatapara, Chhattisgarh.

--- Respondents

For Applicant : Mr. Satya Prakash Verma & Mr. Ajay Chandra, Advocate.
 For Respondent/State : Mr. Ajay Kumrani, PL.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

24/03/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.222/2020, registered at Police Station -Gidhauri, Distt -Baloda Bazar Bhatapara, (C.G), for the offence under Section 20 (B) of NDPS Act.
2. Case of the prosecution is that on 29.09.2020, the Police received secret information that one person is travelling on Hero Honda motorcycle (without number) and carrying contraband (Ganja) with him. On the basis of said information, the Police intercepted motorcycle on which present applicant is travelling and during search, found that he is possessing contraband (Ganja) measuring about 6.794 kg in one Plastic bag tied over the seat of motorcycle.
3. Learned counsel for the applicant submits that present applicant was not carrying contraband (Ganja), a false and frivolous case has been registered against him. Seizure has been made at barrier near the bridge of Mahanadi river, applicant was returning after taking bath from the river and not travelling on said motorcycle. Quantity of contraband (Ganja) allegedly seized from possession of applicant is less than commercial quantity. He is in jail since 29.09.2020, hence, he may be released on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that on the basis of secret information, the Police has stopped the motorcycle of applicant near bridge of Mahanadi river and 6.794 kg of contraband (Ganja) has been recovered from his possession. Seizure has been made in presence of witnesses and quantity of contraband is more than the smaller quantity, therefore, applicant is not entitled for bail. On putting specific query, learned State Counsel submits that there is no mention of any criminal antecedents of applicant in case diary.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, quantity of contraband (Ganja) which is less than commercial quantity and the fact that applicant is not having any criminal antecedents as per case diary as stated by learned State Counsel, applicant is in jail since 29.09.2020, without commenting anything on merits of the case, I am inclined to allow bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing bail bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear as and when directed by the investigating agency during the course of investigation.
 - b) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he 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

Jamal/-