

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1431 of 2021**

Rohit Kanojiya S/o Nandu Kanojiya, Aged About 24 Years,
R/o Near Ranjit General Stores, Ruabandha Yuwa
Chowk, Civic Centre, Bhilai, Tahsil and District Durg
Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Police Station Anda, District
Durg Chhattisgarh.

---- Non-applicant

For Applicant : Mr. P. R. Patankar, Advocate
For Non-applicant/State : Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****24.03.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 22.01.2021 in connection with Crime No.11 of 2021 registered at Police Station Anda (C.G.) for commission of the offence punishable under Section 20 (b) of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that, on 22.01.2021, Assistant Sub Inspector received a secret information that one person on white colour Activa bearing registration

No.CG-07/BR/8870 is roaming with the intent of selling contraband Ganja. On the basis of said information, police intercepted the Acura of the number informed and during the course of search, seized one white colour bag, in which, four polythene packets contained with contraband Ganja has been found. The total quantity of the Ganja was 4.17 Kg. On the basis of seizure of contraband Ganja, aforementioned crime was registered against the present applicant.

3. Learned counsel for the applicant submits that applicant has been falsely implicated in the case. The applicant has been stopped and has been implicated in the case of the NDPS Act. He submits that the applicant is in jail since 22.01.2021 and the quantity of Ganja alleged to have been seized from the possession of the present applicant is only 4.17 Kg., which is more than the small quantity, but less than commercial quantity. He further submits that there is no criminal antecedent against the present applicant, hence, he may be enlarged on bail.
4. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that applicant has been found in conscious possession of contraband Ganja and after completion of the due investigation offence under Section 20 (b) of N.D.P.S. Act is registered against the present applicant, hence, he is not entitled for grant of bail.

5. Upon putting specific query with regard to criminal antecedent against the present applicant, he submits that as per the certificate available in the case diary, there is no criminal antecedent of the present applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration the nature of allegation and the place of the seizure of the contraband Ganja, quantity of contraband recovered from the possession of present applicant, further that there is no other offence registered against him of similar nature and he is in jail since 22.01.2021, I am inclined to release the applicant on bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He 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

Yogesh