

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1909 of 2021**

- Sudhanshu Bariha, S/o Bhutlu Bariha Aged About 26 Years, R/o Village Jamla, Police Station And Tahsil Padampur, District : Bargarh, Orissa

---- Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Shri R Pradhan, Advocate
For Respondent/State	: Shri Alok Nigam, Government Advocate

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**25.03.2021**

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.391 of 2020 registered at Police Station Basna, District Mahasamund CG for the offence punishable under Section 20(B) of the NDPS Act.
2. Case of the prosecution, in brief, is that on the basis of secret information received by the Police of Police Station Basna that some persons were travelling on Motorcycle carrying contraband, they reached near Palsapali barrier. When Motorcycle reached there, they intercepted on which two persons were travelling, by name, Sudhanshu Bariha (present applicant) and Trilochan Bariha. During the course of search, 4 kg Ganja was recovered from their possession, based upon which, they were arrested on 14.08.2020.
3. Learned counsel for the applicant submits that co-accused Trilochan Bariha has been enlarged on bail in MCRC-8053 of 2020, quantity of Ganja

seized is less than commercial quantity and he is in jail since 14.08.2020. He also submits that there is no other criminal antecedent against the present applicant.

4. Shri Alok Nigam, learned Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that 4 kg Ganja has been seized from the possession of present applicant, hence, he is not entitled for the benefit of Section 439 of CrPC. However, on a specific query, he submits that there is no mention of any criminal antecedents against the present applicant.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation, quantity of contraband recovered from the possession of present applicant and further that co-accused Trilochan Bariha has already been enlarged on bail in MCRC-8053 of 2020 and the applicant is in jail since 14.08.2020, 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 local 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

padma