

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3542 of 2020**

- Abhishek Malviya, S/o Shri Parmanand Malviya, aged about 19 years, R/o Subhas Nagar, Gali No.4, Vidisha (M.P.)

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Nagarnar, District Bastar (C.G.)

---- Respondent

For Applicant	:	Mr. Ishan Verma, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/03/2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.12/2020, registered at Police Station – Nagarnar, District – Bastar (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution story, in brief, is that the police of police station Nagarnar, acting on a tip-off, seized 40.00 kilogram contraband article cannabis from the possession of the applicant and co-accused persons. Based on this, offence has been registered against the applicant. Present applicant has been taken into custody on 11.01.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the contraband article cannabis has been seized from the joint possession of the applicant and co-accused persons. He also submits that mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. He next submits that the applicant is in

custody since 11.01.2020, the charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the quantity of ganja, and further considering the fact that the applicant is in custody since 11.01.2020 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge