

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4244 of 2021**

- Ramnath Ansari S/o Narayan Ansari Aged About 40 Years Resident Of Village Gobara , Police Station Rajim , District Gariyaband Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Rajim District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Rekhraj Baghel, Advocate
For Respondent-State	:-	Mr. Arjit Tiwari, PL

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag.CJ**
Order On Board**03/08/2021**

1. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.90/2021 registered in Police Station Rajim District Gariyaband Civil and Revenue District Raipur C.G. for the offence punishable under Section 20(B) of the NDPS Act.
2. Applicant along with co-accused Mukesh Sen was traveling on a motor cycle on 29.4.2021. When the concerned Police

was conducting checking by barricading the area, the applicant was found in possession of 10 kg 120 gram of cannabis (*ganja*).

3. Learned counsel for the applicant submits that two accused were traveling together, therefore, the possession of ganja cannot be attributed to this applicant alone. He would further submit that rigor of Section 37 of the NDPS Act is not attracted in the present case.
4. Learned State counsel would submit that applicant has four previous antecedent of offence under Public Gambling Act, one case under I.P.C. and several other cases of Preventive Detention Act, in total there are 11 cases registered against the present applicant, therefore, he is not entitled to be released on bail.
5. The previous antecedent does not involve commission of similar nature of offence nor any heinous offence is registered against the applicant. The applicant is in jail since 29.4.2021 i.e., for more than three months and the charge-sheet has already been filed, therefore, considering that restrictions imposed on grant of bail as provided under Section 37 of the NDPS Act are not attracted, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond

for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

Ayushi