

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6733 of 2021**

1. Pankaj Kumar Chaube, S/o Vinod Chaube, aged 25 years, R/o New Samrat Colony, Ward No.29, Police Aauktalay, Thana Ludhiyana, District Ludhiyana (Punjab)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bagbahara, District Mahasamund (CG)

---- Non-Applicant

For Applicant	: Shri Siddharth Rathod, Advocate.
For Non-Applicant	: Shri Arjit Tiwari, Panel Lawyer.

Hon'ble Shri Prashant Kumar Mishra, Ag CJ**Order On Board****21/09/2021 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.134/2020 registered in Police Station Bagbahara, District Mahasamund for offence under Section 20 (B) of the NDPS Act.
2. This is the 2nd bail application on behalf of the applicant. The earlier bail application was dismissed as withdrawn with liberty to revive the prayer after filing of the charge sheet.
3. Learned counsel for the applicant submits that 3 accused persons were found in illicit possession of 100 kg of Ganja, therefore, if the quantity is divided amongst them, the applicant is presumed to carry only 33 kg

of Ganja. Therefore, he is entitled to be released on bail.

4. Learned State Counsel submits that even 33 kg is more than commercial quantity, therefore, considering the parameters under Section 37 of the NDPS Act, the applicant is not entitled to be released on bail. However, he submits that the concerned SHO has not reported any previous criminal antecedents of applicant's involvement in committing similar nature of crime.
5. Considering that the applicant is in jail since 27.7.2020 i.e. for almost 14 months and the trial may take some more time to conclude, I am inclined to release him on bail.
6. Accordingly, the application is allowed and the applicant is directed to 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. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

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