

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7938 of 2020**

- Phul Singh S/o Baishakhu Rana Aged About 40 Years R/o Village Kishanpur , Ward No. 14, Thana And Tahsil Pithora, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vikash Pradhan, Advocate
For Respondent/State	:	Shri Shubham Verma, Panel Lawyer

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****28/01/2021**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.119/2020 registered at Police Station Pithora, District Mahasamund for the offence punishable under Section 20(B) of the NDPS Act. The applicant was arrested on 19-05-2020.
2. Prosecution case is that from the courtyard of the applicant, 21 ganja plants (total 16.680 KG) were recovered.
3. Learned counsel for the applicant would argue that the applicant has been falsely implicated under the alleged commission of offence and there is no evidence of cultivation of ganja by the applicant. Relying upon the decision of the Supreme Court in the case of ***Alakh Ram vs. State of U.P.***¹, it is argued that only on the ground that some ganja plants were found, it cannot be presumed that the applicant was involved in cultivation of ganja. It is further submitted that the quantity of ganja seized is less than the commercial quantity and till date, trial has not been concluded and that the applicant is in jail since 19-05-2020, the applicant may be granted bail.
4. On the other hand, learned counsel for the State/non-applicant opposes

the bail application by submitting that in view of seizure of 21 ganja plants (16.680 KG ganja) from the courtyard of the applicant, in presence of witnesses, after due compliance of the NDPS Act, prima facie case is made out against the applicant.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the quantity of ganja allegedly seized from the courtyard of the applicant and the fact that investigation is complete, charge sheet has been filed, trial has not been concluded till date and that the applicant is in jail since 19-05-2020, the application is allowed.

6. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(Manindra Mohan Shrivastava)
Judge