

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7288 of 2021**

- Bandhan Nageshiya S/o Late Panika Nageshiya, Aged About 56 Years R/o Sitarampur PS Pasta District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through SHO Pasta District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dheerendra Pandey, Advocate
For Respondent-State	:	Mr. Arjit Tiwari, PL

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Order On Board**05/10/2021**

1. Heard.
2. This is a **second** application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.72/2020, registered at Police Station Pasta, Distt. Balrampur – Ramanujganj C.G. for the offence punishable under Section 20(a) of the NDPS Act.
3. Applicant was found in illicit possession of 220 cannabis plants which he was growing in his own agricultural field.

4. Learned counsel for the applicant submits that the applicant is in jail since 27.9.2020, therefore, he is entitled to be released on bail.
5. Learned State counsel would oppose the prayer for grant of bail. He would draw attention of the Court to the provision contained under section 37 of the NDPS Act.
6. Perusal of case diary reveals that the Investigating Officer effecting seizure has not mentioned the height/length of the seized cannabis plants. He has also not weighed the plants. Thus, there being no clarity about the weight of the plants, application of provision under Section 37 of the NDPS Act appears debatable.
7. The applicant is in jail since last more than a year i.e., from 27.9.2020, therefore, considering all relevant aspects of the matter, I am inclined to release the applicant on bail.
8. 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