

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7400 of 2021**

Shekh Salim, S/o Shekh Umar, aged about 35 years, R/o Subhash Bag, Katni,
Police Station City Kotwali, District Katni (M.P.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through – Station House Officer, Police Station Sariya,
District Raigarh (C.G.)

----Non-applicant

For Applicant : Mr. Ashish Gupta, Advocate.
For Non-applicant : Mr. B.L. Sahu, Panel Laywer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****08-11-2021**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 175/2021 registered at Police Station Sariya, District Raigarh (C.G.) for the offence punishable under Section 20(b) of The Narcotic Drugs and Psychotropic Substances Act, 1985 (henceforth "NDPS Act")

(2) As per case of the prosecution, on the basis of information received from an informant, Police Personnel searched and seized 9 kilograms contraband article *Ganja* from illegal possession of applicant.

(3) Learned counsel for the applicant would submit that applicant has been falsely implicated in the crime in question, as no seizure has been made from the exclusive possession of the applicant. This is first crime registered against the applicant. He further

submits that the applicant has been arrested on 16.08.2021; charge sheet has already been filed and the trial is likely to take some time for its final disposal and, therefore, the applicant is entitled to be released on bail.

(4) Per contra, counsel for the State opposes the submission made by counsel for the applicant stating that looking to huge quantity of contraband article ganja i.e 9 kilograms seized from the illegal possession of the applicant, he is not entitled to be released on bail.

(5) Considered the submissions made by counsel for the parties.

(6) Looking to facts & circumstances of the case, particularly the fact that quantity of seized contraband article ganja i.e. 9 kilograms, from the possession of the present applicant, is more than the small quantity but less than the commercial quantity; detention period of the applicant and the charge sheet has been filed, as stated by counsel for the State, I feel inclined to grant bail to the applicant. Accordingly, the bail application is allowed.

(7) Accused/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 in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

