

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7462 of 2021**

Ankit Kumar Verma, Son of Shri Kamlesh Kumar Verma, aged about 24 years, R/o.
Village Kurud, Police Station Jamul, District Durg (C.G.) (In Jail)

---- Applicant**Versus**

State of Chhattisgarh, Through – The Station House officer, Police Station Patewa,
District Mahasamund (C.G.)

----Non-applicant

For Applicant	:	Mr. Shikhar Sharma, Advocate.
For Non-applicant	:	Mr. B.P. Banjare, Dy. Govt. Advocate.

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

(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. 208/2021 registered at Police Station Patewa, District Mahasamund (C.G.) for the offence punishable under Section 20(b) of The Narcotic Drugs and Psychotropic Substances Act, 1985 (henceforth "NDPS Act")

(2) Case of the prosecution, in brief, is that on 20.8.2021, on the basis of secret information received from the informant, police of Police Station Patewa stopped the motorcycle of the applicant bearing registration No. CG-07 BX 1465, in which one co-accused, who is said to be the minor, is also sitting as a pillion rider, and total 5 kilograms contraband article Ganja has been seized from their joint possession. Based on these facts, present crime was registered against the 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. He would further submit that quantity of seized contraband article ganja is intermediary quantity and the applicant has no previous criminal

antecedents. This is first crime registered against the applicant. He would next submit applicant is permanent resident of District Durg, therefore, there is no chance of tempering the witnesses or absconding of accused and the applicant is in custody since 20.08.2021 and the charge sheet has already been filed on 18.10.2021. Hence, he may be enlarged on regular 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 5 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, which is intermediary quantity; detention period of the applicant and there is no previous criminal antecedents against the applicant, 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/-

