

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7542 of 2021

Shankar Soni @ Raja S/o Late Shri Bhagwat Prasad Soni Aged
About 19 Years R/o Prem Nagar, P. S. Gudhiyari, Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through P. S. Gudhiyari, Raipur Chhattisgarh

---- Respondent

For Applicant : Shri Pragalbha Sharma, Advocate

For Non-applicant : Shri Raghavendra Verma, Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

16/11/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No. 214/2021 registered at Police Station- Gudhiyari, District- Raipur (C.G.) for the offence punishable under Section 20 (b) of the NDPS Act.
2. Case of the prosecution is that police of Police Station -Gudhiyari received secret information on 30.8.2021 that the applicant is standing near Murrabhatti and is in possession with ganja. Based on secret information, police went on the spot and found the applicant standing there. During search, police recovered 1.500 kg of ganja from his possession kept in open plastic bag.

3. Learned counsel for the applicant would submit that the alleged seizure is from open place. Applicant has been falsely implicated. Applicant is a young boy aged 19 years. There is no criminal antecedents of similar nature against him and he is in jail since 31.8.2021, therefore, he may be enlarged on bail.
4. Learned counsel for the State opposing the submissions made by learned counsel for the applicant would submit that police seized the contraband (ganja) from possession of the applicant in presence of witnesses. The applicant is having one criminal antecedent for commission of offence as defined under the IPC. Hence, he is not entitled for benefit of grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the submissions made by learned counsel for the parties, nature of allegation, place of seizure, the tender age of the applicant and quantity of alleged seized contraband (ganja), without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon his furnishing a bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen