

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7968 of 2020**

- Mangal Das S/o Late Charan Das Aged About 40 Years Caste Panika ,
R/o Lakrapara, Police Station Khadgawan, District Koriya Chhattisgarh.,
District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through S.H.O. Police Station Khadgawan District
Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Ms. Samikchha Gupta, 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.257/2020 registered at Police Station Khadgawan, District Koriya for the offence punishable under Section 20(A) of the NDPS Act. The applicant was arrested on 27-09-2020.
2. Prosecution case is that in the courtyard of the applicant, 6 Numbers of ganja plants were found.
3. Learned counsel for the applicant would argue that the applicant has been falsely implicated under the alleged commission of offence as there is no evidence that the applicant growing ganja plants. Relying upon the decision of the Supreme Court in the case of ***Alakh Ram vs. State of U.P.***¹, it is submitted that presence of ganja plants could not be made a basis to convict the accused for growing ganja plants. He would further submit that as investigation is complete, charge sheet has been filed and that the applicant is in jail since 27-09-2020 and also looking to the small quantity of ganja allegedly seized, the applicant may be granted bail.
4. On the other hand, learned counsel for the State/non-applicant opposes

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the bail application by submitting that in view of seizure of 6 ganja plants from the courtyard of the applicant in presence of witnesses, 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 alleged seized from the courtyard of the applicant and the fact that investigation is complete, charge sheet has been filed and that the applicant is in jail since 27-09-2020, 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