

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7749 of 2021**

Satish Sharma S/o Ramnarayan Sharma, Aged about 27 years, R/o Village Mehara, P.S. Amayan, Distt. Bhind, M.P.

---Applicant

Versus

State Of Chhattisgarh Through the Police Station Keshkal, Distt. Kondagaon, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. P.K. Tulsiyan, Advocate
For State :- Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/10/2021

- 1.This is the second bail 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. 93/2019, registered at Police Station-Keshkal, District Kondagaon (C.G.), for the offence punishable under Section 20-B of NDPS Act.
- 2.The first bail application filed by the applicant was dismissed as withdrawn with liberty to revive after examination of material prosecution witnesses.

3. Case of prosecution, in brief, is that 105.970 kgs of Ganja was seized from the possession of the present applicant and he, thereby, committed the aforesaid offence.
4. Learned counsel for the applicant would submit that the present applicant does not have any role in the commission of the aforesaid offence and he has been falsely implicated in the crime in question, and there is non-compliance of Section 50 of the NDPS Act. He would also submit that the application is in jail since 18/05/2020, therefore, he be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, the facts and circumstances of the case and further considering that the quantity seized is more than commercial quantity in view of the provisions contained under Section 37(1)(b) of the NDPS Act, I do not consider it a fit case in which the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under
Section 439 of the Cr.P.C. is dismissed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet