

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.7686 of 2021

Lobhsingh Bhunjiya (Bhuniya wrongly typed in impugned order), S/o Angadram Bhunjiya (Amandram wrongly typed in impugned order), aged about 33 years, R/o Daalipakhna, Gram Panchayat Aamanara, P.S. Dharambandha, District Nuapada (Orissa) (Orissa not mentioned in impugned order) (Lopsingh wrongly mentioned in bail rejection order)

(In Jail)

---- Applicant

Versus

State of Chhattisgarh, through Police Station Komakhan, District Mahasamund (C.G.)

---- Non-applicant

For Applicant: Mr. Shubhank Tiwari, Advocate.

For Non-applicant: Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board21/12/2021

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.153/2021, registered at Police Station Komakhan, Distt. Mahasamund, for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that 10 Kgs. of Ganja was recovered from the possession of two accused i.e. the present applicant herein and one another, and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case.
The applicant is in jail since 9-9-2021, charge-sheet has been filed

and no custodial interrogation of the applicant is required. He further submits that the quantity seized is more than small quantity, but less than commercial quantity, therefore, it is a fit case for grant of bail to the applicant.

4. On the other hand, learned State counsel opposes the application and submits that the applicant is not entitled for bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant, charge-sheet has been filed, no custodial interrogation of the applicant is required, the quantity of contraband article Ganja seized is more than small quantity and less than commercial quantity, and the applicant is in custody for more than three months, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge