

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7785 of 2021**

- Parwez Khan S/o Late Amanat Khan Aged About 32 Years R/o Laxmi Nagr, Ward No. 05, Supela (Krishna Nagar Haddi Godam) P. S. Supela, Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Station House Officer Police Station Somani, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	:	Shri Aditya Bharadwaj, Advocate
For State	:	Shri Ajay Kumrani, Panel Lawyer

S.B.: Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/12/2021**

Heard.

1. This is 3rd bail application. 1st bail application was dismissed as withdrawn with liberty to revive at an appropriate stage. 2nd bail application was dismissed as withdrawn with liberty to revive, in case, trial is not concluded within one year and the applicant has now completed one year of pre-trial detention.
2. The applicant has been arrested in connection with Crime No.180/2020 registered at Police Station – Somani, District - Rajnandgaon (C.G.) for alleged commission of offences under Section 20-B of the NDPS Act, 1985.
3. Case of the prosecution is that from the possession of the applicant, 20 kgs of *ganja* was recovered.

4. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated and the quantity recovered is more than small quantity but less than commercial quantity, therefore, Section 20 (b) of NDPS Act would not be attracted. He further submits that the applicant is in jail since 18/09/2020, therefore, the applicant may be granted bail.

5. Learned State counsel opposes bail application and submits that commercial quantity is 20 kgs as per the notification dated 16/07/1996.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Admittedly, 20 kgs of *ganja* was recovered from the possession of the applicant and in view of the definition of commercial quantity enumerated under Section 2 (viiia) of the NDPS Act, the notification and decision of this Court in the case of **Tool @ Bramhanand Patel v. State of Chhattisgarh** in MCrC No.3009/2021 decided on 13/07/2021, 20 kgs of *ganja* is considered as less than commercial quantity and more than 20 kgs is considered to be commercial quantity. Therefore, considering the pre-trial detention and that most of the witnesses have been examined and quantity of *ganja* seized is less than commercial quantity, this Court is of the opinion that present is a fit case for grant of bail.

8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.2 lakhs with one surety in the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(**Sanjay K. Agrawal**)
Judge