

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7615 of 2021**

Mohd. Azaz @ Babu S/o Late Mohd. Usman, Aged about 40 years, R/o Balmiki Nagar, House No. 05, V-5, P.S. Kabir Nagar, Raipur, Distt. Raipur, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Kabir Nagar, Raipur, Distt. Raipur, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. A.D. Kuldeep, Advocate
For State :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

20/12/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 120/2021, registered at Police Station – Kabir Nagar, District Raipur (CG), for the offence punishable under Section 20(b) of the NDPS Act.
2. Case of the prosecution, in brief, is that 3 kgs of ganja was recovered from the present applicant thereby, he committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the crime in question. He would also submit that the applicant is in jail since 12/08/2021 and the quantity of ganja seized is though more than small quantity but it is less than commercial quantity, as such, the applicant be released on bail.
4. On the other hand, learned counsel for the State would oppose the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, pre-trial detention and the fact that the quantity of ganja seized is though more than small quantity but it is more than commercial quantity, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum

to the satisfaction of the concerned trial Court,
for his appearance as and when directed.

9. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet