

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 8374 of 2020**

Vijay Dubey, son of Sunil Dubey, Aged about 19 years, Resident of Iprama Nagar [But real address indra aatma nagar] Purena Police Station – New Rajendra Nagar, District – Raipur (C.G.)

---- Applicant

**Versus**

State Of Chhattisgarh, through : Station House Officer, Police Station – Telibandha, District – Raipur [C.G.]

---- Non-applicant

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For Applicant : Mr. Amitesh Pandey, Advocate.  
For Non-applicant/State : Mr. Pawan Kesharwani, P.L.

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**12/03/2021**

Heard.

1. The applicant has been arrested in connection with Crime No. 399 / 2020 registered at Police Station Telibandha, District Raipur [C.G.] for the alleged commission of offence under Section 20 (b) of NDPS Act.
2. Case of the prosecution is that on information the police intercepted and seized 4.50 kg. of ganja from the possession of the present applicant. Upon noticed, applicant failed to produce valid authority for such possession.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the crime in question as he has not committed any offence. False seizure has been made. He would further submit that mandatory compliance as required under the NDPS Act has not been complied with while making seizure of the alleged *Ganja*. It is next submitted

that the investigation is complete, charge sheet has been filed and the applicant is in detention since 28.10.2020, therefore, at this stage, looking to the quantity of ganja which is far less than commercial quantity, he may be granted bail.

4. On the other hand, learned counsel for the State opposes the prayer and submits that in view of seizure of ganja of 4.50 kgs. in presence of independent witnesses, a *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 fact that quantity of ganja alleged to have been seized from the possession of the applicant is far less than the commercial quantity and further that the investigation is complete, charge-sheet has been filed, applicant is in detention since 28.10.2020 and that the applicant is not likely to abscond or temper with the prosecution witnesses, I am inclined to release the applicant on bail.
6. The application is accordingly allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
  - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
  - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Manindra Mohan Shrivastava)

Judge

D/-