

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 8264 of 2021**

Durgesh Kumar Sarthi, S/o Anandram, Aged about 22 years, R/o Bandora, Tahsil Adbhar Chowki Adbhar, P.S. Malkharauda, Distt. Janjgir-Champa, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Through Police Station Malkharauda, Distt. Janjgir-Champa, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Ishwar Jaiswal, Advocate
For State :- Ms. Akshara Amit, P.L.

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

21/12/2021

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 have been arrested in connection with Crime No. 297/2021, registered at Police Station – Malkharauda, District Janjgir-Champa (CG), for the offence punishable under Section 20(A) of the NDPS Act and Section 25 of the Arms Act.
2. Case of the prosecution, in brief, is that 2 plants of ganja amounting to 9 kgs have been

recovered from the possession of the present applicant and he thereby 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 as it has not been shown that the ganja plants were planted by the applicant himself. He would also submit that the applicant is in jail since 12/09/2021, 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 it has not been proved that the plants were planted by the applicant himself, 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.1,00,000/-** 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