

(2018) 04 CHH CK 0025
In the Chhattisgarh High Court
Case No : M.Cr.C. No.760 of 2018

Sonwa Prajapati

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 04-04-2018

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 20(a)
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2018) 04 CHH CK 0025

Hon'ble Judges : ARVIND SINGH CHANDEL. J

Bench : Single Bench

Advocate : Anish Tiwari, R.K. Jaiswal

Final Decision : Allowed

Judgement

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been

arrested in connection with Crime No.14 of 2017 registered at Police Station Fasterpur, District Mungeli for offence punishable under Section 20(a) of

the Narcotic Drugs and Psychotropic Substances Act.

2. Case of the prosecution, in brief, is that on the information received from an informant on 11.11.2017, the police raided the house of the Applicant

and allegedly seized 5 pieces of Ganja Trees weighing 2.3 Kgs. from badi (fence) situated near the Applicant's house and arrested the Applicant for

the offence punishable under Section 20(a) of the Narcotic Drugs and Psychotropic Substances Act.

3. Learned Counsel appearing for the Applicant submits that there is nothing on record to show that the land from where the said Ganja Trees were

seized is in exclusive possession of the Applicant. He has been falsely implicated

in the case. He is in custody since 11.11.2017. Charge-sheet has been filed against him. Trial will take a long time. Therefore, he may be released on bail.

4. Learned Counsel appearing for the State opposes the bail application.

5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.

6. Having regard to the facts and circumstances of the case, particularly, the facts that the weight of the Ganja Trees seized was only 2.3 Kgs.,

charge-sheet has been filed against the Applicant, he is in jail since 11.11.2017 and trial is likely to take some time, without further commenting on

merits of the case, I am inclined to enlarge the Applicant on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like

sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.