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**(2018) 12 CHH CK 0094**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 8002 Of 2018

Tahasin Khan

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** Dec. 17, 2018

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 20(b)(ii)(B)

**Hon'ble Judges:** Vimla Singh Kapoor, J

**Bench:** Single Bench

**Advocate:** Rajesh Jain, Ratan Pusty

**Final Decision:** Dismissed

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**Judgement**

Vimla Singh Kapoor, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who has been arrested in connection with Crime No. 77/2017 registered at Police Station Farasgaon, District Kondagaon (C.G.) for the offence punishable under Sections 20-B (ii) (B) of Narcotics Drugs and Psychotropic Substance Act, 1985.
2. As per prosecution case, on 13.08.2018, 2 quintal of Ganja was seized from the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the applicant is in jail since 13.08.2017, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the document, collected by the prosecution. On doing that, it prima-facie, appears that 2 quintal cannabis were seized from the possession, dis-entitling the benefit of bail to the accused/applicant. It being not a fit case, the application for grant of bail is rejected.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.