

(2018) 12 CHH CK 0096

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 8023 Of 2018

Niraj Kumar Kanoujiya

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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)

Hon'ble Judges: Vimla Singh Kapoor, J

Bench: Single Bench

Advocate: Rajesh Jain, Ratan Pusty

Final Decision: Dismissed

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. 120/2017 registered at Police Station Keshkal, District Kondagaon (C.G.) for the offence punishable under Sections 20-B Narcotics Drugs and Psychotropic Substance Act, 1985.

2. As per prosecution case, on 12.10.2017, 220.990 KG 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 12.10.2017, 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 220.990 KG cannabis were seized from the possession applicant, 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.