

(2018) 08 CHH CK 0168

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 5630 Of 2018

Prabhat @ Deepak Patel

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Aug. 13, 2018

Acts Referred:

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

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Vikash A. Shrivastava, SK Mishra

Final Decision: Allowed

Judgement

Goutam Bhaduri, J

1. This is the Third Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been

arrested on 06.02.2016 in connection with Crime No.18/2016 registered at P.S. Nagarnar, Distt. Bastar (C.G) for the offence punishable under

Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The first bail application M.Cr.C. No.4911 of 2016 was dismissed on 24.08.2016 and the second bail application M.Cr.C. No.532 of 2018 was dismissed on 18.01.2018.

3. As per the prosecution case, on 06.02.2016 the applicant who was traveling in a Bus was found in possession of 22 Kgs., of Ganja along-with other co- accused.

4. Learned counsel for the applicant submits that the applicant is in jail since 06.02.2016 and the trial has yet not been concluded. He further submits

that from the possession of the applicant only 9 K.G. of cannabis was alleged to have been recovered and the seizure witness have also not supported

the case of the prosecution, therefore, the applicant may be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Considering the fact that the appellant is in jail since 06.02.2016 and the time period suffered by the appellant in jail and further taking into the

quantity of the cannabis so seized, I am inclined to release the applicant on bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/-

with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the

said Court.