

**(2018) 05 CHH CK 0125**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 2358 Of 2018

Amrit Das Mahant

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

**Date of Decision:** May 15, 2018

**Acts Referred:**

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

**Hon'ble Judges:** P. Sam Koshy, J

**Bench:** Single Bench

**Advocate:** Upasana Mehta, Lav Sharma

**Final Decision:** Allowed

**Judgement**

P. Sam Koshy, J

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.26/2018 registered at Police Station

Bankimongara, District Korba (C.G.). for the offence punishable under Section 20-B of the Narcotics Drugs & Psychotropic Substances Act, 1985.

2. Present applicant is in jail since 01/03/2018.

3. The allegation against the present applicant as per the prosecution case is that, the present applicant on the date of incident i.e. on 01/03/2018 was

found to be in possession of two packets of Gaanja weighing 975 grams and 575 grams each totaling 1.5 K.G.

4. The counsel for the applicant submits that, the present applicant has already remained in custody for a period of about 2 ½ months and that there

is no previous criminal antecedence much else an offence of NDPS, Act was registered against him so also the age of applicant is only around 26 years and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, the charge levelled against the present applicant is quite serious and thus prayed for rejection of the same.

6. Having heard the contentions put forth on either side and on perusal of record so also considering the quantity of contraband seized, the period of custody undergone and also the age of the applicant, this Court is of the opinion that prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

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