

MCRC-7158-2015

(AJAY VANSHKAR Vs THE STATE OF MADHYA PRADESH)

29-05-2015

Shri Manish Meshram, learned counsel for the applicant.
Shri D.K. Parauha, learned Panel Lawyer for the respondent/State.

Heard arguments.

Perused case diary and material on record.

This is first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail in connection with crime No. 371/2015, registered at Police Station Kotwali, District Katni, against him for the offence punishable under Section 8 r/w 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the 'Act').

Prosecution allegations are that upon a tip off Sub Inspector, N.P. Patel of aforesaid Police Station on 20.04.15 searched a bag of the applicant in accordance with the provisions of the Act and he found therein 1 kg. and 500 grams Ganja, being kept illegally by him.

Learned counsel for the applicant submits that the applicant is in custody since 21.04.2015 and the charge-sheet had been filed. It is also submitted by him that as per the notification issued under the Act, the small quantity of Ganja is 1 kg. whereas the commercial quantity of it is 20 kg.. But, only 1 kg. 500 grams Ganja was seized from the possession of the applicant, therefore, the seized quantity of Ganja is 500 grams

more than the small quantity, which is minuscule in comparison to the commercial quantity. It is also submitted by him that the applicant is the permanent resident of Katni Town and this is the first ever offence registered against him under the Act. Moreover, he does not have any criminal past. Upon these submissions, a prayer is made for grant of bail to the applicant.

Learned Panel Lawyer opposes the prayer.

On due consideration of facts and circumstances of the case, the submissions raised on behalf of the parties by their counsel and quantity of seized Ganja, but without expressing any opinion on merits of the case, I am of the view that this is a fit case for grant of bail to the applicant. Hence, the application is allowed. It is ordered that applicant **Ajay Vanshkar** be released on bail on his furnishing a personal bond in the sum of **Rs. 75,000/- (Rupees Seventy Five Thousand Only)** with a local solvent surety of Katni District of the same amount to the satisfaction of the Court concerned for his appearance on all such dates as may be fixed by it in this regard. He shall abide by the conditions enumerated in Section 437(3) of the Cr.P.C. In case of bail jump, the Court concerned will have power to cancel the applicant's bail. Certified copy as per rules.

(RAJENDRA MAHAJAN)
JUDGE

sp/-