

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4121 of 2024**

Mayur Rathor S/o Vijay Rathor @ Ramnik Rathor Aged About 38 Years R/o
Station Chowk, Kumhari Ward No. 11, District Durg (C.G.)

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station G.R.P.
Raipur, District – Raipur (C.G.)

---- Non-applicant

(Cause-file taken from the Case Information System)

For Applicant	:	Mr. Siddharth Rathod, Advocate.
For Respondent/State	:	Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****28.06.2024**

1. The applicant has preferred this First Bail Application under Section 439 of Cr.P.C. for grant of regular bail, as he has been arrested in connection with Crime No. 59/2024, registered at Police Station – G.R.P. Raipur, District – Raipur (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, for short, the NDPS Act.
2. The prosecution story, in brief, is that a secret information was received by the Police of Police Station – G.R.P. Raipur, District – Raipur (C.G.) through the informant and on the basis of such information, the Police has seized a total of 12.400 Kgs. of Ganja from

the possession of the present applicant. Thereafter, the applicant was arrested by the Police and the aforesaid offence has been registered.

3. It has been argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. It is submitted that the charge-sheet has been filed in this case. It is also submitted that from the possession of the applicant intermediate quantity of the psychotropic substance ganja has been seized, and therefore, it will not attract the rigors of Section 37 of the NDPS Act as the commercial quantity of ganja as prescribed under the schedule is more than 20 kgs and from the possession of the applicant only 12.400 Kgs of Ganja has been seized. It is further submitted that there are no any criminal antecedents of the applicant, and he is in jail since 27.04.2024 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.
4. On the other hand, the learned counsel for the State opposes the bail application and submits that the charge-sheet has been filed in the present case and there are no any criminal antecedents of the applicant. It is submitted that a total of 12.400 Kgs of Ganja has been recovered from the possession of the applicant, therefore, his bail application is liable to be rejected.
5. I have heard learned counsel for the parties and perused the material available on record.
6. After hearing the submissions advanced by learned counsel for the parties as well as considering the quantity of Ganja seized from the possession of the applicant i.e. a total of 12.400 Kgs, which is less than commercial quantity. Also considering the fact that charge-sheet

has been filed and there are no any criminal antecedents of the applicant, and further that the applicant is in jail since 27.04.2024 and the conclusion of the trial is likely to take sometime, I am of the opinion that the applicant is entitled to be released on bail in this case.

7. Let the applicant, **Mayur Rathor** involved in Crime No. 59/2024, registered at Police Station – G.R.P. Raipur, District – Raipur (C.G.) for the offence punishable under Section 20(B) of the NDPS Act, 1985, be released on bail on her furnishing **a personal bond** with **two sureties** in the like sum to the satisfaction of the court concerned with the following conditions:-

- (i) The applicant shall file undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

- (ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

- (iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall

initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

8. However, this Court hopes and trusts that the trial Court shall make earnest endeavour to conclude the trial expeditiously, if there is no legal impediment.
9. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Rajshekhar