

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6922 of 2015

1. Mohammad Azaz, S/o. Mohammad Avesh, aged about 35 years, R/o. Pent, Police Station – Sitapur, Civil and Revenue District – Sarguja (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : S.H.O., Police Station - Ambikapur, District – Sarguja (C.G.)

---- Respondent

For Applicant : Ms. Indira Tripathi, Advocate

For Respondent/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.321/2015, registered at Police Station – Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 20(B) (ii) (b) of the N.D.P.S. Act, 1984
2. Case of the prosecution, in brief, is that on 27.06.2015 police of police Station – Ambikapur has received secrete information that the present applicant alongwith other co-accused kept some contraband (Cannabis) and thereafter, made a search and recovered 15 KG Cannabis from the Scooty of the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not committed any offence. She would further submit that Taulpanchnama witness has

not supported the case of the prosecution. He would further submit that the applicant in jail since 27.06.2015, therefore, she prays that considering the detention of the applicant, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that still 11 witnesses are yet to be examined, therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstance of the case and taking into the nature and gravity of the offence, considering the fact that the 15 kg of cannabis were recovered from the possession of the applicant, therefore, I am not inclined to allow this application.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge