

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 793 of 2015

Bhagabana Sahu S/o S/o Arjun Sahu Aged About 45 Years R/o - Naikenpali,
Rampur, P/o. & P.S. Rampur, Civil & Revenue District Subranpur (Odisha)

---- Petitioner

Versus

State Of Chhattisgarh Through : S.H.O. Of The Police Station - Saria, District
- Raigarh Chhattisgarh

---- Respondent

Shri Satyaban Maphidar, counsel for the applicant/s.

Ms. Sunita Jain, Panel Lawyer for the State.

Order On Board

08/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime no.53/15, registered at police station – Saria, Distt. - Raigarh, CG for alleged commission of offence under Section 20 (B) of the NDPS Act.

2. Learned counsel for the applicant submits that though ganja has been recovered from the vehicle owned by the applicant, he is innocent because he does not know how his driver misused the vehicle. However, the vehicle was hired by one Douloth Naik, who has sworn affidavit. He submits that even if the driver of the vehicle has misused the vehicle in carrying contraband, the applicant cannot be held liable.

3. On the other hand, learned State counsel opposes bail application and submits that the driver is absconding and the vehicle is registered in the name of the applicant. Therefore, prima facie case is made out.

4. Taking into consideration the submission of learned counsel for the

applicant, particularly the driver of the vehicle so far has not been arrested, at this stage, I am not inclined to grant anticipatory bail to the applicant. The application is therefore rejected with liberty to revive, after the driver is arrested.

Sd/-

Manindra Mohan Shrivastava
Judge

Deepti