

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.4251 of 2015

Mohammad Yunus @ Lalla, S/o Late Mohammad Habib, aged about 38 years, R/o Torwa, Dhan Mandi ke piche, Bilaspur, Civil and Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Civil Line, District Bilaspur (C.G.)

---- Non-applicant

For Applicant:	Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.227/2015 (Special Case No.244/2015 pending in the Court of Special Judge under the NDPS Act, Bilaspur) registered at Police Station Civil Lines, Bilaspur for the offence punishable under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that on 18-5-2015, 8.350 Kgs. of Ganja was recovered from the vehicle Marshall bearing registration No.CG-12/7637 owned by Mohd. Iqbal.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he is neither owner of the vehicle nor from his possession the Ganja was recovered, he has been falsely implicated on the basis of statement of one Jitendra Singh Thakur, he is in jail since 26-5-2015 and charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application and submits that statement of Jitendra Singh Thakur has been recorded under Section 161 of the CrPC in which he has stated that he himself and his nephew Mohd. Iqbal are involved in the offence of transporting illegal Ganja.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case and evidence brought by the prosecution against the applicant, I am not inclined to release the applicant on regular bail. Thus, the bail application is rejected. However, the NDPS Court is directed to expedite the trial and conclude the same within a period of three months from the date of receipt of copy of this order.

Sd/-
(Sanjay K. Agrawal)
Judge