

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC NO. 5501 of 2015**

Lekhu Sahu son of Tirith Ram Sahu, aged about 25 years, R/o. Village Amurda, P.S. Patewa, Tahsil and District Mahasamund (CG)

---Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station-Pithora, District-Mahasamund (CG)

---Non-applicant

For Applicant	:	Mr. Raghvendra Pradhan, Advocate
For Non-applicant	:	Mr. O.P.Sahu, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

12/10/2015

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.141/2015, registered at Police Station-Pithora, Distt. Mahasamund (C.G.), for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substance Act.
2. Case of the prosecution, in brief, is that 55 kg. of contraband article ganja was recovered from the possession of the present applicant and co-accused Kishan Sahu.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that co-accused Kishan Sahu is hirer the vehicle and the present applicant is only driver of the vehicle, he was not involved in the offence in question. He was driving the vehicle on the relevant date i.e., 10.8.2015 as directed by co-accused Kishan Sahu.
4. On the other hand, learned State would oppose the bail application and submit that huge quantity of ganja has been recovered from vehicle in

question.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence and looking to the quantity of ganja and considering the provisions of Section 37(1) (b) of the NDPS Act, I am of the opinion that it is not a fit case in which the applicant should be enlarged on regular bail. Accordingly, bail application is rejected.

7. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-