

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2935 of 2016

Abhinav Pathak, S/o Dilip Pathak, Aged About 25 Years, R/o Ward No. 7, Near Reliance Tower, Chandaniyapara, Janjgir, Police Station & Post Janjgir, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Sankra Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Manoj Paranjpe, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 21/2016 registered at Police Station- Sankra, Mahasamund, District Mahasamund (C.G.) for the offence punishable under Sections 20(B) (ii)(B) of the Narcotics Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution in brief, is that on 23.02.2016, the applicant was a pillion rider in the motorcycle. The motorcycle was being driven by co-accused, Sunil Sharma when the vehicle was intercepted and from the Dickey of the motorcycle 3 KG cannabis was recovered, thereby the offence has been committed.
3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the applicant was a pillion rider and was not conscious in possession of the

cannabis. He further submits that the charge sheet has been filed and no further investigation and seizure is necessary in this case. He further submits that the applicant is in jail since 23.02.2016, therefore, he may be enlarged on bail.

4. Per contra State counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstance of the case, that the recovery was made from the Dickey of the motorcycle, taking into the fact the seizure has already been made and no further investigation is necessary, further taking into the fact that the quantity of seized cannabis and the detention period of the applicant and the fact that the charge-sheet has been filed in this case, this Court is of the opinion, that the present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge