

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3096 of 2016

1. Devendra Kumar Tiwari, S/o Rajendra Prasad Tiwari Aged About 27 Years, R/o Purash, Post Mahsao, Tahsil Gud, Thana Raipur Kalchuriyan, District Rewa, Madhya Pradesh.
2. Abhishek Kushwaha @ Amit S/o Babulal Kushwaha Aged About 19 Years R/o Khamhariya Chouben, Post Sirmour, Thana, Tahsil Semariya, District Rewa, Madhya Pradesh.

----- Petitioners

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Sariya, District Raigarh, Chhattisgarh.

----- Respondent

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.75/2016 registered at P.S. Sariya, Distt. Raigarh (C.G) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, the police had a tip-off that the applicants were carrying contraband cannabis on which a raid was conducted. After search, 13 Kgs., of cannabis was recovered from the joint possession of the applicants.
3. Learned counsel for the applicant submits are innocent and they have been falsely implicated in this case. He submits that the cannabis was recovered from the bus stand which is an open place and not from the exclusive possession of the

applicants, therefore, the applicants may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statements of witnesses.
6. On perusal of the statements of witnesses and other seizure documents prima facie it appears that the cannabis was recovered from the possession of the applicants.
7. Considering the quantity of contraband Ganja, I am not inclined to release the applicants on bail. Accordingly, the bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**