

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.C.R.C (A) No. 48 of 2016

Ajay Kumar Dhiwar S/o. Maniram Dhiwar, aged about 25 years, R/o. Bhairo Baba Mandir, Ratanpur, Police Station- Ratanpur, Tahsil-Kota, Civil and Revenue District -Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Acting through Officer in charge, Police Station-
Saraipali, District Mahasamund (C.G.)

---- Respondent

For Applicant :- Mr. K.A. Ansari, Sr. Advocate along-with Mr. Devesh Kela, Advocate.

For Respondent No :- Mr. Sangharsh Pandey Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Forest Crime No. 401/2015, registered at Police Station- Saraipali, District Mahasamund (C.G.) for offence punishable under Sections 20(B), 27 (A), 28 & 29 of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that on 12.10.2015, the vehicle bearing No. C.G. 10 G 8800 was intercepted and in the vehicle two persons were found namely Dilip Kumar Dhruw and Chunnu Lal Patel. Subsequently, on search 103 K.G. cannabis (Ganja) was found in different packets. Thereafter, on enquiry it was revealed that both the persons were working for this applicant. Therefore, the offence is registered against this applicant under

the NDPS Act.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the statement of the witnesses can not be admissible and confession made by the accused persons to the Police can not be accepted to hold the involvement of the applicant in the alleged crime. He further submits that no evidence is available against this applicant to show the applicant was party to the crime. He further submits that the applicant was the owner of the vehicle which was used in the alleged crime only which was given on rent, therefore, the applicant may be given the benefit of anticipatory bail.
4. Per contra State counsel opposes the prayer for grant of bail and would submit that the applicant is absconding and as per primary statement and the enquiry it shows that the other co-accused persons who were arrested were working at the behest of the applicant, therefore, the applicant should not be extended the benefit of anticipatory bail.
5. Perusal of the statement of Trilochan Ratre and Ghanshyam Ratre, who are the seizure witnesses, they have confessed and disclosed the fact that they were working for the applicant. Taking into the fact and the quantity of cannabis which was seized and further taking into the fact that the applicant is absconding, for the purpose of bail, this Court is of the opinion, that it is not a fit case where the applicant can be extended the benefit of anticipatory bail.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE