

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3005 of 2016

Dashrath Mahkul S/o Bhagirathi Mahkul (Yadav) Aged About 35 Years
Resident Of Village Diyagarh, P.S. Lailunga District, Raigarh
(Chhattisgarh)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Lailunga District Raigarh
Chhattisgarh

---- Respondent

For Applicant	:- Mr. Rajesh Ranjan Sinha, Advocate
For Respondent/ State	:- Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

22/06/2016

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. 32/2016 registered at Police Station- Lailunga, District – Raigarh (C.G.) for the offence punishable under Sections 20(B) of the Narcotic Drugs Psychotropic Substances Act.
2. Case of the prosecution, in brief, is that on 10.02.2016, the applicant and the other co-accused were transporting cannabis(Ganja) in their car bearing registration No. CG 13C/6200 and 8 KG of cannabis were recovered from the possession of the applicant and the other co-accused, 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 not in exclusive possession of the cannabis as it was recovered from the car and not from the house, therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the document, prima-facie, it shows that the applicant was the driver of the car from which the cannabis were recovered and considering the quantity of seized cannabis, this Court is of the opinion, that present is not a fit case, in which, the applicant may be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge