

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4261 of 2016

- Pushpendra Dwivedi S/o Maksudan Dwivedi Aged About 25 Years R/o Village - Rahat, Police Station - Chaurahata, Distt. Rewa Madhya Pradesh --- **Petitioner**

Versus

- State of Chhattisgarh through, Station House Officer, Police Station - Sariya, Distt. Raigarh Chhattisgarh -- **Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.08.2016

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. 97/2015 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, 1985.
2. As per the prosecution case, on an information received on 11.7.2015 that contraband Ganja is being transported, a vehicle i.e., Mahindra Max Truck was intercepted and at that time, the driver and other inmates fled away and it was found that in the Dicky of the vehicle 195 packets of cannabis in 3 layers were staked which was measured as 195 Kgs., of Cannabis. Subsequently on enquiry it was revealed that at the relevant time the said vehicle was driven by the present applicant and it was taken on hire by one Rohit.
3. Learned counsel for the applicant would submit that only two

packets of contraband Ganja were taken out whereas large number of packets were available and as such it cannot be said that the entire goods were cannabis. It is further stated that the applicant was not apprehended on the spot and one Santosh Kumar Singh, owner of the vehicle was interrogated wherein it was revealed that he gave power of attorney to his son Martand Singh to look after the operations of the vehicle and on further interrogation of Martand Singh it reveals that he has given vehicle on rent to one Rohit Tiwari which was being driven by Pushpendra the present applicant. Therefore, it is submitted that no evidence is available against the applicant and he has been falsely implicated in this case.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the document and the case diary. The case diary also contains the statement of one Raju Vishwakarma wherein it is stated that the present applicant was driver of the said vehicle at the relevant time. The charge sheet shows that the 194.990 kgs. of cannabis was recovered from the offending vehicle.
6. Considering the statements of witnesses and taking into huge quantity of *Ganja* recovered from the vehicle, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**