

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5902 of 2016

1. Shekhar Dewangan S/o Mangalchand Dewangan Aged About 23 Years R/o Rajapara Champa, Police Station : Champa, District : Janjgir - Champa Chhattisgarh
 2. Mahavir Tomar @ Lalu S/o Late Laxman Tomar Aged About 23 Years R/o Kanwar Para : Champa, Police Station : Champa, District : Janjgir - Champa Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station : Champa, District : Janjgir - Champa Chhattisgarh
- Respondent**

For the applicant	:	Mr. Gurudeo Sharan, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.09.2016

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. 35 of 2016 registered at P.S. Champa, Distt. Janjgir (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 06.07.2016 an information was received by the Police that few persons were transporting cannabis and a two wheeler i.e., Activa was intercepted which was driven by Sunil Dewangan and from the vehicle 14 Kgs., of cannabis was recovered. It is alleged that the present applicants were following Sunil Dewangan by different vehicle and after they saw the Police Party, they also fled away leaving their vehicle.
3. Learned counsel for the applicants would submit that in any

case the recovery of Cannabis was not made in person from the present applicants and it was made from one Sunil Dewangan and only on the allegations that the applicants were following the other accused by different vehicle, they cannot be inculpated, therefore, false allegations have been made.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents. A perusal of the documents would show that the Aactiva scooter from which the recovery was made was driven by Sunil Dewangan. It would further go to show that the applicants were not apprehended on spot and they were not pillion riders and it is alleged that the applicants were following the vehicle of co-accused Sunil Dewangan.
6. Considering the evidence available on record and the nature of allegations levelled against the applicants as the recovery was not made from the applicants and also the fact that the charge sheet in this case has been filed and the applicants are stated to be in jail since 07.07.2016, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed and the applicants is directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**