

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6209 of 2016

1. Sheikh Vahid, S/o. Sheikh Salim, aged about 27 years, R/o. Village & Post – Nainpur, P.S. & Tahsil – Nainpur, Revenue and Civil District – Mandla (M.P.).
2. Vinay Rao, S/o. R. Mohan Rao (incomplete mention in cause title), aged about 26 years, Caste-Telugu, R/o. Village & Post – Nainpur, P.S. & Tahsil – Nainpur, Revenue and Civil District – Mandla (M.P.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Darbha, Revenue and Civil District – Bastar (C.G.)

---- Respondent

For Applicants : Mr. Surfaraj Khan, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

05/10/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.62/2015, registered at Police Station – Darbha, District – Bastar (C.G.) for the offence punishable under Section 20 (B) (2-B) of N.D.P.S. Act.
2. As per prosecution case on 04.10.2015 on secrete information received that four persons were travelling in Swift Car and carrying cannabis, the car was intercepted and from the car, 24 kg cannabis were recovered. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that the cannabis were not recovered in person from the applicants. It is further submitted

that two witnesses Daulat Shrivastava and Ful Singh Yadav have been examined and they have not supported the case of the prosecution and the applicants are in jail since 05.10.2015, therefore the counsel prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and the statement of the witnesses. At this stage it would not be proper for this Court to evaluate the statement of few of the witnesses as most of the witnesses are still to be examined and it is for the trial Court to evaluate the evidence of the witnesses while deciding the case on merits and it would not be proper for this Court to give any opinion with respect to the merit of the case. Considering the fact and circumstances of the case and the quantity of the cannabis seized and further considering the fact that Investigating Officer is still to be examined I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge