

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6901 of 2016

1. Maniklal Jogwanshi S/o Murwa Jogwanshi Aged About 42 Years R/o Village Batharra, Police Station Kunda, District - Kabirdham Chhattisgarh
 2. Rajendra Patre S/o Aanddas Patre Aged About 35 Years R/o Village Baghmaar, Chauki Fastarpur Police Station Kotwali Mungeli, District Mungeli Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through the Police Chauki Fastarpur, Police Station Mungeli, District - Mungeli Chhattisgarh
- Respondent**

For the applicants	:	Mr. Vikas Pandey, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.11.2016

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. 297/2016 registered at P.S. Fastarpur Distt. Mungeli (C.G) for the offence punishable under Section 20-B of the NDPS Act.
2. As per the prosecution case, on 16.03.2016 the applicants were travelling on a motorcycle which was driven by applicant No.2 Rajendra Patre and when the motorcycle was intercepted, from the possession of applicant no.1 Maniklal Jagwanshi, 3.5 kgs., of Ganja was seized.
3. Learned counsel for the applicant would submit that 3.5 Kgs., of cannabis was shown to be recovered only from applicant No.1 and from applicant No.2 no recovery has been made and the recovery of cannabis has been wrongly stated which in fact was not seized from the person of the present

applicants, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and documents. It appears that both the applicants were travelling on the same motorcycle and on having intercepted 3.5 kgs., of cannabis was recovered. Taking into consideration the case diary documents which show the prima facie recovery and further looking to the quantity of Ganja, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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