

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7150 of 2016

Dilip Kumar Gupta, S/o. Ramchandra Gupta, Aged About 19 Years, R/o. Bhagat Singh Colony, Singrouli, Thana Morwa, Civil & Revenue District Singrouli, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Tapkara, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.11.2016

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.13/2016 registered at Police Station- Tapkara, District Jashpur (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs & Psychotropic Substance Act.
2. As per the prosecution case, on 17.02.2016, on information being received that the applicant was transporting Cannabis in the Car, two Cars were intercepted and in the Car which was driven by the applicant 36 Kg of Cannabis were recovered.
3. Learned counsel for the applicant would submit that the applicant had taken the Car on rent and the seizure witness in this case have been examined and they have not supported the case of the prosecution and the applicant was not in conscious possession of the Cannabis, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. At this stage, it would not be appropriate for this Court to appreciate the entire case, as appreciating the statement of the seizure witness would amount to adjudicating and usurping the power of the Trial Court. It is left open for the Trial Court to evaluate the statement of the witnesses including the I.O., if has been examined. Taking into such facts and the fact that the quantity of seized Cannabis is 36 Kg, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed. However, the Trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge