

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7273 of 2016

Devendra, S/o. Mr. Balram Chandrawanshi, Aged About 29 Years, R/o. Bhoramdev Raod, Kawardha, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Khamtarai Police Station, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ankur Agrawal, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.11.2016

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.329/2016 registered at Police Station- Khamtarai, Raipur (C.G.) for the offence punishable under Section 8/18 of NDPS Act.
2. As per the prosecution case, on 18.08.2016 on information received that the applicant alongwith other co-accused has brought Opium, the Car bearing No.CG 09 JB 4442 was intercepted and from the possession of the applicant and other co-accused, total 400 grams of Opium was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and no seizure was made from the possession of the present applicant, as it would be evident from the seizure panchnama of Sanjay Chandravanshi and search panchnama of the present applicant. He further submits that the entire seizure was made from one Sanjay Chandravanshi, therefore, the applicant 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. Perusal of both, the seizure panchnama of Sanjay Chandravanshi and search panchnama of the present applicant, *prima facie* shows that the seizure was not made from the present applicant. Taking into the nature of evidence against the applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge