

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7600 of 2016

1. Jainul Haque, S/o. Mohd. Idrish, aged about 28 years, R/o. Village-Jarahi, P.S. - Bhatgaon, District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Office, Police Station – Ambikapur, District – Surguja (C.G.)

---- Respondent

For Applicant : Ms. Hamida Siddiqui, Advocate

For Respondent/State : Mr. U.K.S Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

01/12/2016

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 applicant who has been arrested in connection with Crime No.505/2016, registered at Police Station – Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 20 (B) of Narcotic Drugs Psychotropic Substances Act, 1985.
2. As per prosecution case, on 22.07.2016, the applicant was travelling in the truck and when the vehicle was intercepted and on having search made from the possession of the applicant 5.620 K.G. cannabis was recovered. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has falsely been implicated in this case and the applicant was only driver of the vehicle and the other co-accused was also there and

the applicant was not in conscious possession of the cannabis. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 22.07.2016, therefore, the counsel prays that the applicant 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, document and also the seizure. Perusal of the documents shows that cannabis was seized from the joint possession of the applicant. Considering the facts and circumstances of the case and quantity of the cannabis seized, 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