NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8238 of 2016

1. Shyam Sunder Vaisy, S/o. Lalan Ram Vaisy, aged about 29 years, R/o. Village-Daga, Bargawa, P.S. - Bargawa, District – Singrouli (MP)

   Note : Details of the applicant has not been mentioned in the bail rejection order.

----Applicant

Versus

1. The State of Chhattisgarh, Through : the Station House Officer, Police Station – Tapkara, District – Jashpur (C.G.)

   Note : Details of the PS has not been mentioned in the bail rejection order.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2016

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.13/2016, registered at Police Station – Tapkara, District – Jashpur (C.G.) for the offence punishable under Section 20B of Narcotic Drugs and Psychotropic Substances Act.

2. Case of the prosecution, in brief, is that on 17.02.2016, on a secrete information received that the applicant along with others were transporting the Cannabis in Car, two cars were tried to be intercepted bearing No.M.P.-66C-1624 and M.P.-66C-1240, the cars were not stopped and they fled away. Thereafter, the car was followed and the applicant tried to fled away from the car by

abandoning it was caught and on search from the car 36 kg Cannabis was recovered. Thereby, the offence has been committed.

3. Learned counsel for the applicant submits that the seizure witnesses in this case have been examined and they have not supported the case of the prosecution, 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 and the documents. Perusal of the documents shows that the Investigating Officer is still to be examined. Considering the facts and circumstances of the case and further considering the quantity of the Cannabis seized, the evidence of the Investigating Officer is necessary and it is not proper for this Court for only picking the statement of seizure witnesses in the background of this case when the applicant is tried to fled away by abandoning the car. Considering the same, 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

Balram