

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 21 of 2017

- Raju Sahu @ Prushotam Sahu S/o Kodulal Sahu Aged About 24 Years R/o Village Rampur, Police Station Amlai, District Shahdol, Madhya Pradesh. --- **Applicant**

Versus

- State of Chhattisgarh Through Police Station Pendra, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mrs. Kiran Jain, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.01.2017

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. 07 of 2015 registered at P.S. Pendra, Distt. Bilaspur (C.G) for the offence punishable under Section 20-B(ii) (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on 12.01.2015, the applicant along-with others were transporting cannabis in Maruti Ambulance vehicle under the stature and when they were coming from Orissa to Chhattisgarh, they abandoned the vehicle and fled away on the apprehension that they will be intercepted by the police. Subsequently from the abandoned vehicle, 6 Kgs., of cannabis was recovered.
3. Learned counsel for the applicant would submit that initially the incident took place on 12.01.2015; there is no evidence against the applicant that he was transporting the cannabis in the offending vehicle and he was arrested much after the

incident i.e., on 09.12.2015 only on the basis of the statement of Hanshu Gupta, which was recorded on 17.10.2015 and he was not arrested on the spot. He further submits that the applicant was taken into custody on 09.12.2015 and there is no progress in trial, therefore, looking to the period of custody the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. It appears that cannabis was recovered on 12.01.2015 from a vehicle which was abandoned. Subsequently the applicant was arrested on memorandum and he was not apprehended on the spot.
6. Taking into the nature of evidence available and the totality of the facts and circumstances especially the fact that the applicant is in jail since 09.12.2015 and the disposal of the trial will take some more time, I am inclined to release the applicant on regular bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE