

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 23 of 2017

- Harishchand Gupta S/o Late Krishna Nand Gupta Aged About 40 Years R/o Village- Lambhua, District Sultanpur, Uttar Pradesh. ---
Applicant

Versus

- State of Chhattisgarh Through Police Station- Tapkara, District Jashpur, Chhattisgarh. --- **Respondent**

For the applicant : Mrs. Sharmila Singhai, Advocate
For the Respondent : Mr. Arvind Shukla, 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. 46 of 2016 registered at Police Station Tapkara, Distt. Jashpur (C.G) for the offence punishable u/s 20(B) of the Narcotic Drugs & Psychotropic Substances Act.
2. As per the prosecution case, on 17.06.2016 on receipt of information that Cannabis is being transported in Tata Indica Car bearing Regn.No.OD 15-A/4847 the police intercepted the said vehicle and when a search was being made, 60 Kgs., of Cannabis was recovered and subsequently 3 persons were arrested and the vehicle was found in the name of the present applicant. It is also alleged during the search, another number Plate bearing No.UP 44T/4847 was recovered from the vehicle which belonged to the present applicant.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the vehicle was taken on rent and at the time when the vehicle was seized, 3 persons namely Mohammad Guddu, Anupam Baranwal and Puppy Baranwal were arrested and there is no evidence against the present applicant to show that the applicant was involved in transportation of Ganja. He further submits that the charge sheet has been filed and no further investigation is necessary therefore the applicant may be enlarged on bail.
 4. Per contra, learned State Counsel opposes the bail. On a specific query being made as to what is the evidence collected against the present applicant, it is submitted that the vehicle which was seized is in the name of the present applicant, therefore, the applicant has been made accused.
 5. Perused the case diary documents. Taking into the nature of evidence available against the applicant and further considering the facts that the applicant was not arrested on the spot and the prosecution witnesses are silent in respect of role played by the applicant, I am inclined to allow this bail application.
 6. 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