

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 487 of 2017

- Rakesh Mishra S/o Shri Ram Bihari Mishra, Aged About 24 Years
Caste Brahman, R/o Birha, Police Station & Tahsil Hanumana,
District Rinva, Madhya Pradesh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station
Arjuni, District Dhamtari, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Y.C. Sharma, Advocate
For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-02-2017

1. This is 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 on 29-08-2016 in connection with Crime No. 215 of 2016 registered at Police Station Arjuni, District Dhamtari (CG) for the offence punishable under Section 20-B of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on information being received that the co-accused persons were carrying cannabis and they were ready to sell the same, on such information a raid was conducted and from the vehicle (Honda Accord) bearing registration No. DL 03 CAK 3206, 69 packets i.e., total 146.400 kgs of cannabis were recovered. Subsequently, during investigation call details were recovered and it was found that at the instance of the present applicant transportation was being done and from the present applicant, mobile phone and the documents of the car which was being used for crime were recovered and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that the vehicle was not in the name of the present applicant and even if the contraband was seized from car, the allegation cannot be attributed to the present applicant and only on the memorandum statement of other co-accused Amit Tiwari, the applicant has been inculpated, therefore, nothing is existed against the present applicant. He would further submit that the charge-sheet has been filed in this case and the applicant is in jail since 29-8-2016 and no further investigation is necessary, therefore, he may be released on bail
4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Perused the memorandum statement of Amit Tiwari wherein it has been stated that present applicant has employed the other co-accused persons for transportation of cannabis. Subsequently, from the present applicant one mobile from which calls were made to other co-accused which is part of the record and documents of the vehicle were recovered.
7. Taking into consideration the facts and circumstances of the case, considering the statement of other co-accused Amit Tiwari, looking to the huge quantity of cannabis and further considering the recovery of the articles from the present applicant, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju