

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 656 of 2017

- Rohit Kumar Sahu s/o. Dharam Das Sahu, aged about 42 years, r/o. Sahilatola, P.S. Salhekasa .Distict Gondia (Maharashtra)

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate, Durg, District Durg (CG).

---- Respondent

For Applicant : Mr. Rajnish Singh Baghel, Advocate
For Respondent/State : Mr. Ashutosh Pandey,, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-02-2017

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 30-07-2016 in connection with Crime No.233 of 2016 registered at Police Station Dhamdha, District Durg (CG), for the offence punishable under Section 20(B)(II)(c) of the Narcotic Drugs and Psychotric Substance Act.
2. Case of the prosecution, in brief, is that on information being received, a raid was conducted and from the house of Manoj Kumar Sahu 146.20 kgs of cannabis were recovered. Subsequently, on his memorandum statement, it was revealed that Manoj Kumar Sahu had purchased the said cannabis from one Tulsi Sahu and the present applicant was driver of Tulsi Sahu and he was arrested in Raipur. It is alleged that present applicant along with other co-accused persons has committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, only on the memorandum statement of other co-accused, present applicant has

been arrested and there is no evidence to connect the applicant with the crime in question and the entire seizure was made from Manoj Kumar Sahu. He would further submit that charge-sheet has been filed, the applicant is in jail since 30-7-2016 and no further investigation is necessary, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail application. However, he does not dispute the fact that except oral statement, no other evidence is existing against the present applicant.
5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Taking into consideration all the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that entire seizure was made from the house of Manoj Kumar Sahu whereas the applicant was driver of Tulsi Sahu and no seizure is made from him except oral statement and also the fact that charge-sheet has been filed, and the applicant is in jail since 30-7-2016, I am inclined to release the applicant on bail.
7. Accordingly, the application filed under Section 439 of the Cr.P.C., is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety in the like amount to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-

(GOUTAM BHADURI)

Judge

Raju