

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2188 of 2017

1. Hero Sunil Kariyar S/o Sunil Kariyar, Aged About 28 Years, R/o Das Kholi Markat Road, Police Station City Kotwali, District Gondiya Maharashtra

---- Applicant

Versus

1. State of Chhattisgarh Through Aarakshi Kendra Bhilai Nagar District Durg Chhattisgarh

---- Non-applicant

For Applicant – Shri Arvind Dubey, Advocate.
For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

19-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is arrested in connection with Crime No.710/2016 by Bhilai Nagar, District Durg, C.G. police for the offence under Section 21 and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') on 22-12-2016. Police after investigation had filed the charge sheet which is pending before the Special Judge under the NDPS Act Durg, C.G. as NDPS Case No.5/17. Learned counsel for the applicant would submit that the applicant is resident of Gondiya, Maharashtra, seizure was effected at Bhilai, quantity of brown sugar was just 0.70 gram above than the small quantity and as he was made accused on information given by one Raonak Rajpal against whom police had filed the charge sheet making the said Raonak Rajpal and present applicant as co-accused. Looking to the discrepancy in the place of seizure and other facts and as the applicant is in jail since 22-12-2016 till date, he may be enlarged on bail.
3. Per contra, learned counsel for the non-applicant/State opposed the

argument advanced on behalf of the applicant and would submit that on 22-12-2016 at 10.00 p.m. at P.S. Bhilai Nagar the present applicant under custody gave disclosure statement regarding the narcotic substance and on the basis of said disclosure statement 70 small packets containing in total 5.70 gram brown sugar were seized from the kitchen of his friend at Talpuri. Hence, looking to the seizure of said brown sugar, the application may be dismissed.

4. Perused the entire material.

5. Though the quantity of said brown sugar is 0.70 gram higher than the small quantity, but the role of the applicant surfaced in the charge sheet as he involved in the illegal sell of brown sugar, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE