

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 2340 of 2017

Divyesh Pandey @ Somu @ Dibyesh S/o Vindhesh Pandey, aged about 22 years, R/o village Patna, Paschim Para, P.S.Patna, District Koriya (C.G.).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Ramanujnagar, District Surajpur (C.G.).

----Non-applicant

For Applicant : Shri Ashok Kumar Shukla, Advocate.

For Non-applicant/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/10/2017

1. The present is the first application filed under Section 439 of CrPC for grant of bail to Applicant who is in jail since 11/01/2017 in connection with Crime No. 07/2017, registered at Police Station – Ramanujnagar, District Surajpur (C.G), for the offence punishable under Section 21 B of the NDPS Act, 1985.
2. As per the prosecution case, the present applicant who was moving in an Alto Car, bearing registration No.CG 11 BB 4986 on 11/01/2017 was caught in possession of 132 bottles of cough syrup which had the contents of Codiene to the tune of measurement of 26.4 grams which was more than small quantity.
3. The counsel for the applicant submits that, it is a case where the applicant has remained in custody for a period of more than 10 months and that the prosecution has falsely implicated the present applicant in the present case. He further submits that infact the contraband seized was belonging to the registered owner of the vehicle namely Rafiq Ansari

and the contraband was placed in the dicky of the vehicle and the present applicant and co-accused were driving the car unaware of the contents in the dicky. He further submits that it is a case where the Rafiq Ansari, the owner of the vehicle, has not been made an accused in the instant case. Further though the chargesheet has been filed and about 10 months have lapsed, the charge itself not been framed till now and there is all likelihood of a prolonged trial and the applicant is unnecessarily in jail for no fault of his.

4. The State counsel however opposing the bail application submits that, it is a case where the present applicant was caught red-handed in the vehicle with the contraband and as such there is prima-facie strong case made out against the present applicant and that the quantity of Codiene in 132 bottles of cough syrup seized was more than small quantity which again would disentitle the applicant from the benefit of bail.

5. Having considered the contentions put forth on either side and on perusal of record, particularly the seizure of 132 bottles of cough syrup from the possession of present applicant and the other co-accused having absconded from the incident itself and till date he is absconding, in the opinion of this court no strong case for grant of bail is made out at this juncture.

6. Accordingly, the application for grant of bail is rejected.

**Sd/-
(P. Sam Koshy)
Judge**

Sumit