

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2690 of 2017**

Deenu Lahre S/o Umendra Ram Aged About 28 Years R/o Village
Lagra, Out Post Fastarpur, Police Station Kotwali, District- Mungeli,
CG.

---- **Petitioner****Versus**

State Of Chhattisgarh Through: O.P. Fastarpur, Police Station Mungeli,
District- Mungeli, Chhattisgarh.

---- **Respondent**

For applicant	Mr. Rajesh Jain, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11/5/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 16-6-2016 in connection with Crime No. 297/2016 registered in Out Post Fastarpur, PS Mungeli, Civil Distt. Bilaspur for offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in brevity 'NDPS Act').
3. Learned counsel for the applicant submits that after investigation, charge sheet has been filed and the case is pending before the Special Judge, NDPS Act, Mungeli as Special Case No. 15/2016. He submits that MCRC No. 6901/2016 and MCRC No. 1825/2017 preferred by co-accused from whom alleged Ganja was seized have been dismissed by this Court. As the applicant was driving the motorcycle at the time of incident and police had seized the motorcycle, said motorcycle was a sold motorcycle, not registered hence the case of the present applicant is distinguishable from those co-accused whose bail application has been dismissed. The applicant is in jail for about 11 months, he may be granted bail during trial.

4. Per contra, learned State counsel opposes the bail application and submits that the present applicant and co-accused Bhim Gavaskar were travelling in the said sold motorcycle. The applicant was driving the vehicle jointly and transporting Ganja 3.900 ganja. Hence the application for grant of bail may be rejected.
5. Perused the matter.
6. On due consideration of the evidence collected against the present applicant as he was driving the vehicle and said ganja was seized from conscious possession of applicant, I am not inclined to grant bail to the applicant.
7. The instant MCRC is rejected.

Sd/-
(Chandra Bhushan Bajpai)
Judge