

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2864 of 2017**

- Malik @ Vasimuddin @ Simmi S/o Mukimuddin Malik Aged About 28 Years R/o Taj Nagar, Teka, Nagpur, (Maharashtra)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mohan Nagar, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Jitendra Gupta, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27.6.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.534/2016 registered in Police Station Mohan Nagar, Distt. Durg (CG) for the offence punishable under Sections 21, 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

3. Learned counsel for the applicant submits that the applicant has been arrested on 01.12.2016, after investigation the said police has filed chargesheet against seven accused persons. Learned counsel for the applicant is not in a position to state the special criminal case number. He further submits that all other co-accused persons were granted bail by the co-ordinate Bench of this court in

M.Cr.C. No.8554/16, 775/17, 812/17, 1159/17, 1282/17 and 373/17 and out of six accused persons total 10.580 gm diacetylmorphine – heroin has been seized. Nothing has been seized from the present applicant. He has been falsely implicated on the basis of memorandum statement of the other six accused person. As the above six accused persons have been granted bail, present applicant may also be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and would submit that as per the evidence collected, it is the applicant who sold 10.580 gm heroine i.e. diacetylmorphine to six co-accused person. With this, case against the applicant is serious in nature. Hence, his application for bail may be dismissed.

5. Perused the entire material.

6. The evidence collected by the prosecuting agency goes to show that prima facie it is the applicant who sold 10.580 gm heroine to six other accused persons. On due consideration, I am not inclined to grant bail to the applicant.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE