

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3213 of 2017**

- Naveen Gop S/o Late Shri Binda Gop, Aged About 25 Years R/o Village Haur, Police Station Bargigha, District Shekhpura, Bihar.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nagarnar, District Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Smt. Seema Singh, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03.7.2017**

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.04/2016 registered in Police Station Nagarnar, Distt. South Bastar Jagdalpur (CG) for the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "the NDPS Act").

3. Learned counsel for the applicant submit that the applicant has been arrested on 12.01.2016, after investigation, police has filed charge sheet against eight accused persons including the present applicant which is pending before Special Judge under the NDPS Act, Jagdalpur as Special Case No. 14/16. Learned counsel for the applicant would submit that two other accused

persons Rajesh Bhagat and Mahadev have also preferred bail application i.e. M.Cr.C. No.1680/2017 which is pending for consideration. As per the allegation, 30 kg ganja has been seized from the applicant and total 177 kg 655 gm ganja has been seized from all the accused persons. Learned counsel for the applicant has no knowledge regarding filing of any bail application on behalf of remaining five co-accused persons. She further submits that panch witnesses have not supported the case of the prosecution. Pancham Baghel (PW-2), Constable admitted in para 6 of his cross examination that samples taken were in his custody from 15.01.2016 till 18.01.2016 which creates suspicion over any manipulation in the samples and also he has not taken the samples along with him. Looking to the entire facts, he may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and would submit that the applicant is the resident of District Shekhpura, Bihar and also 7 other remaining co-accused were also residents of Bihar. During investigation police has seized total 177 kg 655 gm ganja from the accused persons and from the possession of the applicant 30 kg ganja has been seized. Hence, looking to the quantity of the ganja, the application may be dismissed.

5. Perused the entire material.

6. On due consideration of the quantity of ganja so seized from the present applicant and also from co-accused, I am not inclined to grant bail to the applicant.

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

Sd/-

(Chandra Bhushan Bajpai)

JUDGE