

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 360 of 2017**

- Dinesh Kumar Gupta S/o Chhote Lal Gupta, Aged About 56 Years, R/o R B- 111, 812-A Railway Collony, Near K V 3, Police Station Tipri Bazar, District Jhansi, Uttar Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Tapkara, District Jashpur, Chhattisgarh.

----Non-applicant

For Applicant	: Shri Sanjay Agrawal, Advocate.
For Non-applicant/State	: Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/11/2017**

1. Apprehending arrest in connection with Crime No.60/16, registered at Police Station - Tapkara, District- Jashpur, (C.G.) for offence punishable under Section 20(B)(C) of the Narcotic Drugs & Psychotropic Substances Act, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that this is first bail application of the applicant under Section 438 of the Cr.P.C. before this Court. The applicant has been falsely implicated in this case only on the basis that he is registered owner of the car bearing registration No. UD / 02N 2559. There is no statement of any witness or no admission of any of the co-accused person in this case that the applicant is involved in the transportation of the contraband that was seized by the police. Hence, it is prayed that the applicant is innocent, he is ready to abide by all the conditions imposed on him for grant of bail, he may be granted anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application for grant of anticipatory bail and the submission made in this respect. It is submitted that the applicant is absconder, hence no investigation could be conducted with respect to his role in commission of this offence, for this reason the applicant is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Considered the submissions made and the contents of the case diary. The vehicle bearing registration No. UD / 02N 2559 was stopped and searched in Village Lavakera, District Jashpur, C.G., the occupants of the vehicle were found in possession of 30 Kg. of ganja, thereafter, the case has been registered, investigated and charge sheet has been filed.

6. Considering the evidence that is proposed to prosecute the applicant in this case, I am of this opinion that this is a fit case where the applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application (MCRCA No. 360/2017) is hereby allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. He shall cooperate in investigation after his arrest and release on bail and regularly appear before the trial Court. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil