

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3456 of 2017

- Ajay Yadav S/o Ram Das Yadav, Aged About 37 Years, R/o Village Ladua, Thana Rajpur, District Balrampur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Balrampur, Revenue District Sarguja, Chhattisgarh.

---- Non-applicant

For Applicant –Dr. N. K. Shukla, Senior Advocate with Shri Vikram Sharma, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 06-03-2017 in connection with Crime No.39/2017 registered at Police Station Balrampur, District Sarguja, C.G. for the offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act').

2. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant is an activist who had made complaint against Mr. Vinod Agrawal, Mr. Anirudh Pandey and Mr. Praveen Agrawal about operating illegal crusher in village Ladua, this matter was also reported in the newspaper, on account of which the applicant was threatened by the said Vinod Agrawal that he will implicate the applicant in some false case of the NDPS Act') or for the offence of rape, on which a complaint was submitted in P.S.

Rampur, District Balrampur on 18-09-2015 vide Annexure A/5. Similar complaints were submitted again on 04-10-2015, 30-12-2015, 05-04-2016, 24-10-2017 regarding the threat of implicating the applicant in false case. Copies of the complaints made against Vinod Agrawal and others are also submitted for perusal. It is submitted that on account of this threat, a narcotic substance was planted in the pocket of the applicant and the police officials have connived with the said Vinod Agrawal in implicating the applicant in this false case. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the case against the applicant is clearly supported with the evidence of search and seizure and the evidence of witnesses, hence, he is not entitled for grant of regular bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. Brief facts of the case are these that on the date of incident the applicant who was riding on a motorcycle was stopped and searched by the police personnel of P.S. Balrampur. On search, it was found that the applicant was carrying in the pocket of his pant a packet containing 10.9 grams brown sugar of value of Rs.1,00,000/-, the case has been investigated and charge sheet has been filed against the applicant.

6. Considered on the submissions and contents of the case diary. Whatever has been proposed by the applicant that he has been falsely implicated is required to be proved by him before the trial Court. At present, there is no such substance in the case diary to indicate anything

in this matter that the case against the applicant is false case, hence, for these reasons, this application does not deserve to be allowed.

7. Consequently, the application (MCRC No.3456/2017) filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge