NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3764 of 2017

1. Ramanuj Pandey S/o Late Ram Krishna Pandey, Aged About 27 Years
2. Sandeep Mishra @ Rahul S/o Rajendra Mishra, Aged About 22 Years
3. Roshan Shukla @ Abhay Shukla S/o Rajesh Shukla, Aged About 18 Years

All are R/o Village Sansaripur, Post Pirathiganj, Tahsil Raniganj, P.S. Sadar Pratapgarh, District Pratapgarh (U.P.)

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Borai, District Dhamtari, Chhattisgarh

---- Respondent

For applicant — Mr. Praveen Das, Adv.
For Respondent/State — Mrs. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

17-11-2017

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no bail application is pending before any other court.

2. Perused the copy of the charge sheet produced by counsel for the applicant in connection with Crime No. 6/2017 registered in police station Borai, Distt. Dhamtari (CG) for offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act and also heard counsel for the parties.

3. Prosecution story in brief is that on the basis of information on 7-4-2017, at about 15.50 near forest Naka, village Borai, Inspector of Police Station Borai S.L. Sinha along with police official stopped a Maruti Car bearing registration No. DLI CV 5794. The applicants were sitting in the said car. Three plastic bags were found in the dikki containing contraband cannabis. From applicant No. 1 Ramanuj Pandey -9.4 kg. cannabis, from applicant No. Sandeep Mishra- 19 kg

cannabis and from applicant No. 3 Roshan Shukla 17 kg cannabis was seized, total quantity of contraband cannabis is 45.400 kg.

4. Charge sheet has been filed. The applicants are in custody since 7-4-2017.

5. Counsel for the applicant argued that in this case Mr. S.L. Sinha who lodged the FIR, also investigated the matter hence entire proceedings is vitiated. The applicants are innocent and falsely implicated hence they may be released on bail.

6. On the other hand, the State counsel appearing for the state opposed the bail application.

7. At this stage where the bail application is being disposed of, the applicants do not get any help from the said fact raised by them mentioned herebefore. Looking to the facts and circumstances of the case, looking to the quantity of the seized contraband cannabis and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicants.

8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

Pathak