

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4095 of 2017

- Rakib Ahmad S/o Amiruddin, Aged About 48 Years, Occ- Labour, R/o Near New Taj Sporting Club, 1237/a/25, Taj Nagar, Dr. Ambedkar Marg, Taka Naka, Nagpur, Maharashtra-440017

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Mohan Nager, District- Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Jitendra Gupta, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

27-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.9/2017 on 04-01-2017 by P.S. Mohan Nagar, District- Durg, C.G. for the offence under Section 21(b), 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'). After investigation police had filed the charge sheet which is pending before the Special Judge under the NDPS Act as Special Criminal Case NDPS No.8/2017. There are total 7 accused persons. Case of the present applicant is distinguishable from the other co-accused. As per the allegation, total 30 gram 130 milligram brown sugar psychotropic substance has been seized. As per the allegation, it is the applicant who provided the said psychotropic substance to above 6 co-accused persons. Only co-accused Imran stated regarding role of the applicant. Hence, looking to the entire facts, he may be enlarged on bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that Imran is nephew of the present applicant who stated in the disclosure statement and also co-accused Praveen Meshram stated regarding the applicant that he is

the person who gave said psychotropic substance to the co-accused. Looking to the entire matter, the instant MCRC may be dismissed.

4. Perused the entire material.

5. The case of the present applicant may come under the the ambit of Section 27(a) of the NDPS Act. On consideration of the material collected against the applicant, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge