

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4086 of 2017**

Jhadi Goswami S/o Prahlad Goswami Aged About 54 Years Caste
Goswami, R/o Naktidih, Police Station Birra, Civil And Revenue District
Janjgir- Champa, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through: The Station House Officer, Police
Station, Birra, Civil And Revenue District Janjgir-Champa, Chhattisgarh

---- Respondent

For applicant	Mr. Mirza Hafeez Baig, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 1-4-2017 in connection with Crime No. 23/2017 registered in PS Birra, Distt. Janjgir Champa for offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in brevity 'NDPS Act').
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the Special Judge under NDPS Act as Special Criminal Case (NDPS) No. 211/2017. The applicant is a labourer. When he was returning, co-accused Harishankar Vaishnav met him in the evening time and asked for lift in his bicycle. As he was known to the applicant, in good faith, the applicant gave lift and thereafter at the spot, police after entire investigation seized only bicycle from the applicant and 6 kg Ganja from the co-accused Harishankar Vaishnav. The applicant is not responsible for the Ganja taken by the co-accused as he was not aware about that fact. It is submitted that he may be released on bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and submits that as per information received that two persons were carrying Ganja, when the police acted for the said information, the applicant was driving the bicycle and co-accused was taking Ganja with him. As both were in conscious possession of said Ganja that is why both are arrayed in the said charge sheet. Hence both are responsible.
5. Perused the entire material.
6. On due consideration of the evidence collected in the matter by the prosecution, looking to the factum of joint conscious possession and as there is no material to take a different view at the moment, I am inclined to grant bail to the applicant.
7. Consequently, the instant MCRC is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge