

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4944 of 2017**

Ashish Kumar S/o Arvind Kumar, Aged About 24 Years, R/o Village Derapur, Police Station Dearpur, District Kanpur Dehat, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Nagarnar District Bastar Chhattisgarh

---- Respondent

For the Applicant	:	Shri Rajkumar Gupta, Advocate
For the Non-applicant	:	Shri Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**06/11/2017**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.75/2017 registered at Police Station Nagarnar, District Bastar (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs & Psychotropic Substance Act.
3. Case of the prosecution, in brief is that on 10/04/2017 Sub Inspector Amit Kumar Sidar, Police Station Nagarnar received the information that one person who had weared green T. Shirt and blue lower seated in seat No. 2 Bus No. C.G.19F-0702 which is going from Orissa to Jagdalpur, has kept ganja in his trolley bag. Near the Dhanpunji Forest Naka that bus was stopped by the Police team and they made the enquiry with applicant who was seated in seat No. 2 and during the

search 24 Kgs. Cannabis was found in that trolley bag. The aforesaid articles and bus ticket were also seized from the applicant.

4. Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated, the contraband is seized from open place and the applicant is in jail since 10/04/2017, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. At this stage it could not be said that there was no exclusive possession of the applicant on aforesaid cannabis. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
7. Consequently, the MCRC is dismissed.

Sd/-

(Sharad Kumar Gupta)
Judge