

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5714 OF 2017

Bhushan Chandrakar S/o late Ramji Chandrakar, aged about 56 years, R/o village Dandesara, Police Station Kurud, Tehsil Kurud, Distt. Dhamtari (CG).

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, PS Arjuni, Distt. Dhamtari (CG).

... Respondent

For Applicant	:	Shri Anil Gulati, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 14.06.2017 in connection with Crime No.165 of 2016 registered at Police Station Arjuni, Distt. Dhamtari for the offence punishable under Section 20-B of the NDPS Act.
2. As per prosecution case, co-accused Punit was carrying 5.3 KG of Ganja and was standing on the roadside for the purpose of selling the same. Subsequently, on the secret information, the police authorities reached to the spot and seized the contraband from the possession of Punit and during the course of interrogation he has stated that the said contraband belonged to the present applicant.
3. Learned Counsel for the applicant submits that the only material available against the present applicant is the oral statement made by the co-accused Punit from whose possession the contraband was

seized, and therefore he may be enlarged on bail as no case is made against the present applicant.

4. Opposing the bail application, learned Counsel for the State submits that it is a case where the co-accused has stated that the contraband belonged to the present applicant and it was entrusted to him for sale and as such the present applicant is also equally involved in the commission of offence, and therefore the applicant may not be enlarged on bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that the present applicant was not with the co-accused, the contraband also was seized from the possession of co-accused Punit and there is no allegation that the present applicant was jointly operating business with the main accused and further the only piece of evidence available against the applicant is the oral statement of main accused of the contraband belonging to the present applicant, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge