

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1099 of 2016**

- Satyaraj Prasad S/o Jagannath Prasad Aged About 40 Years R/o Village - Chans Nala Mod, Chans Nala, Police Station Padhardih, District - Dhanbaad (Jharkhand), Civi & Revenue District - Dhanbaad (Jharkhand)

---- **Petitioner****Versus**

- State of Chhattisgarh Through Police Station - Tapkara, District - Jashpur, Chhattisgarh

---- **Respondent**

 For Applicant : Mr. A.K. Prasad, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****16-02-2017**

1. Apprehending arrest in connection with Crime No.169 of 2015 registered at Police Station Tapkara, District Jashpur (CG) for offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act, the applicant has preferred the bail petition under Section 438 of the Cr.P.C., for grant of anticipatory bail.
2. As per case of the prosecution, on 29-11-2015 on a secret information being received that cannabis was transporting in Etios Car, the said car was intercepted and total 97.05 kgs of cannabis were recovered and Sanjay Kumar and Amit Singh were apprehended. During investigation, it was revealed that the car from which cannabis were recovered and two persons were apprehended, belonged to the present applicant.
3. Learned counsel appearing for the applicant would submit that the car was given on rent to one Amit Singh for Rs.22,000/- per month

and the agreement was also existed between Ami Singh and the present applicant and when Amit Singh did not deposit the amount of rent and return the car, a report was made against him on 18-11-2005 in Police Station before the incident that the car was missing. He would further submit that there has been breach of Section 41 of the NDPS Act and seizure was not made in person from the applicant, therefore, under the facts and circumstances of the case, he may be extended the benefit of Section 438 of the Cr.P.C.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents. Perusal of the case diary shows that during investigation it was found that the car was in the name of the present applicant and when enquiry was started, the applicant fled away. Charge-sheet has been filed and the applicant is still absconding.
6. Taking into consideration all the facts and circumstances of the case and further considering the fact that the applicant is absconding and the investigation is still going on, I am of the considered opinion, *prima facie* that it is not a fit case where benefit of Section 438 of Cr.P.C., can be extended to the applicant.
7. Accordingly, the anticipatory bail application is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge