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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6105 of 2017

- Ashok Pradhan S/o Deenbandhu Pradhan, Aged About 45 Years, R/o Barpali Para, Police Station and District Balangi (Odisha).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Telibandha, Raipur Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.R.Sahu and Shri U.C. Panda, Advocate.
For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant has been arrested on 23-08-2017 in connection with Crime No.346/2017 registered at P.S. Telibandha, Raipur, C.G. for the offence under Section 20(B) of the Narcotic Drugs & Psychotropic Substances Act, 1985.

2. It is submitted on behalf of the applicant that the applicant is innocent and he has been falsely implicated in this case. The applicant was employed as cleaner in bus bearing registration No.C.G.04 E 5931 owned by Mahindra Travels. The alleged seizure of 7 Kg. of ganja has been made from the luggage compartment of the bus. This cannot be said as recovery made from the conscious possession of the applicant himself, as the bus is manned by driver and conductor also who can also be held responsible for the possession. There is no reason why the applicant has been singled out. It is submitted that the applicant is in jail since 23-08-2017. He is ready to abide by all the conditions imposed on grant of bail. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect and submits that the quantity of contraband ganja recovered from the applicant is 7 Kg., looking to this fact the applicant is not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the case diary.
5. On 23-08-2017 on information received the police personnel of P.S. Telibandha, Raipur intercepted and searched the bus bearing registration No. C.G.04 E 5931 owned by Mahindra Travels. In this search 7 Kg. of ganja kept in a bag was taken out and presented before the policemen by the applicant which has been seized from his possession, on the basis of this recovery and seizure the case has been registered, investigated and charge sheet has been filed.
6. Considering the submissions made and the contents of the case diary, this Court is of the view that by imposing stringent condition the applicant may be enlarged on bail.
7. Consequently, the application (MCRC No.6105/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. It is also directed that till conclusion of the trial the applicant shall give his appearance in Police Station Telibandha, Raipur, C.G. in first Monday of every month. In failure of compliance of this condition, he shall be liable to be arrested and detained.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge