

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6824 of 2017**

Montu Dewangan S/o Kishan Dewangan, Aged About 27 Years R/o Sunder Nagar, Football House, Near Dewangan Kirana, Police Station Purani Basti, District Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Kumhari, District Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri P.P. Sahu, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.12.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 189 of 2017, registered at Police Station Kumhari, District Durg, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The ganja has been recovered from co-accused Ismael Khan whereas the applicant was simply giving lift to the main accused on his scooter without knowing the contents of his possession. Hence, he is not connected in any manner with the offence committed by the co-accused. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the seizure of ganja although made from co-accused, it shall be deemed that the applicant is also in possession of the same. Hence, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case are that on the date of incident the applicant was driving scooty bearing registration No. C.G. 04 DN 9515 which was registered in the name of his wife and the co-accused Ismael Khan was a pillion-rider in the same scooter who was carrying a bag. Both of them were stopped by the police personnel of P.S. Kumhari and on search 3.4 kg of ganja was found in the bag carried by co-accused - Ismael Khan. The seizure of the bag was made from the co-accused Ismael Khan whereas the scooty was from the possession of the applicant.

6. Taking into consideration the fact that in the investigation itself it is mentioned that no contraband was seized from the applicant himself and his prayer that he was simply driving the scooty and has given lift to the co-accused person, the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi