

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7852 of 2016

- Dhaniram Sahu S/o Shri Rambharos Sahu Aged About 62 Years R/o Azad Chowk Arjuni, Thana Bhatapara, Civil & Revenue District Balodabajar-Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kasdol, District Balodabajar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 4-11-2016 in connection with Crime No. 445 of 2016, registered at Police Station Kasdol, District Balodabazar – Bhatapara (CG) for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act.
2. Case of the prosecution, in brief, is that on information being received on 3-11-2016 that one person traveling on Hero Honda Pro Motor cycle bearing registration No. CG-22-A-7233 was transporting cannabis for sale and he was coming from village Pithoura to Kasdol, a raid was conducted by the Police party and thereafter Police party intercepted the motor-cycle of the applicant and he was caught hold and thereafter he disclosed his name as Bablu and from his possession, 10 kgs of cannabis were recovered. Further, on enquiry it was revealed that the said cannabis were

being transported for Bablu, who was involved in the business and on the basis of demo, cannabis were sent and cash Rs.15,000/- were recovered.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, there is no evidence against the present applicant, neither cannabis were seized nor cash Rs.15,000/- is said to have been seized from the present applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 4-11-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case, considering the fact that seizure of cannabis was not made from the present applicant and further considering the fact that the applicant is in jail since 4-11-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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 surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju