

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8216 of 2016

Sanjay Chandravanshi S/o Tekram Chandravanshi, aged about 37 years, R/o Village Kanabhaira, Post Raveli, Police Station Kawardha, Civil & Revenue District Kabirdham, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through : Police Station Khamtarai, Civil & Rev. District Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Mayank Chandrakar, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/01/2017

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 in connection with Crime No.329/2016, registered at Police Station – Khamtarai, Raipur (C.G.) for the offence punishable under Section 8/18 (C) of NDPS Act.
2. As per the prosecution case, on 18.08.2016, an information being received that the applicant along with co-accused Devendra has brought opium, the Car bearing No. CG 09 JB 4442 was intercepted and 400 grams opium was seized from the possession of the present applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He submits that the articles sent to FSL and the seizure article are different and therefore it cannot be said that the opium was seized from the possession of the present applicant. He further submits that the co-accused has already been released on bail, therefore, the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Perused the case diary and the documents.
6. Considering the total facts and circumstances of the case, *prima facie*, it appears that the seizure was made from the present applicant and also taking into consideration the quantity of opium seized, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge