

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8361 of 2016

1. Deenuram Banjara, S/o. Uday Ram Banjara, aged about 35 years, R/o. Kotba, Thana-Baagbahar, Civil and Revenue District – Jashpur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Chowki – Kotba, P.S. - Baagbahar, District – Jashpur (C.G.)

---- Respondent

For Applicant	:	Mr. Sanjeev Sahu, Advocate
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/01/2017

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.138/2016, registered at Police Station – Baagbahar, District – Jashpur (C.G.) for the offence punishable under Section 20 (B) of Narcotic Drugs and Psychotropic Substances Act.
2. Case of the prosecution, in brief, is that on 16.09.2016 on information received that the applicant is in possession of contraband and while they were coming on motor cycle, the applicant was intercepted and it was found that the applicant was travelling along with two other, one was a girl and another was Sandeep Banjara and after intercepted, search was made and from the possession of the girl 3 kg Cannabis was recovered from her bag. Thereby the offence has been

committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the applicant was not in conscious possession and seizure was made from the girl, therefore, no offence can be attributed to the present applicant. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Perusal of the documents, prima-facie it appears that from the possession of the girl, recovery of Cannabis was made. Taking into such fact and the quantity of the Cannabis seized, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge