

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8533 of 2016

Paramjeet Kumar Upadhyay, S/o. Uday Kumar Upadhyay, Aged About 26 Years, R/o. Village Baragideeh, Police Station Lunda, District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Chowki, Manipur, Police Station Kotwali, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok Kumar Shukla, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

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.502/2016 registered at Police Station- Kotwali, District Surguja (C.G.) for the offence punishable under Section 21(B) of Narcotic Drugs & Psychotropic Substance Act.
2. Case of the prosecution, in brief, is that on 21.07.2016 on information having been received that contraband drugs are being carried in the vehicle, the vehicle bearing No.M.P. 09 CP 9641 was intercepted wherein the applicant was also present and from the vehicle four cartoons containing 100 bottles of 100 ml Biorax syrup, which contains Codeine was recovered.
3. Learned counsel for the applicant would submit that as per the Rojnamchasanha, on 20.05.2016 at 12:05 the prosecution received an information that some contraband are being

transported, however, the recovery was made on 21.05.2016 at 5:30 and, as such, the long gap of period has not been explained. He further submits that the applicant has been falsely implicated in this case, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The argument advanced by the learned counsel for the applicant is to be appreciated during the evidence; at this stage, *prima facie*, the recovery appears to have been made. Taking into such fact, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge