

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8422 of 2016**

Pawan Kumar Sahu S/o Rikhiram Sahu Aged About 29 Years (not mentioned in impugned order) R/o Village Dipopara, Tahsil & Police Station Pithoura, District Mahasamund, Chhattisgarh, Present Address Village- Tulsi, Behind Electricity Office, Police Station Nevra, Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Nevra Raipur, District Raipur, Chhattisgarh.

---- Respondent

For applicant - Smt. Fouzia Mirza, Advocate.
For Respondent/State – Shri Ashutosh Pandey, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****5/01/2017**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.108/2016 registered in Police Station Nevra, Distt. Raipur (C.G.) for offence punishable under section 20 B of Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, on an information received at 10.15 on 14/04/2016 that in the car bearing number CG 04-HP-6265 contraband 18.260 kg of cannabis is being transported, it was chased by the Police Kharora. Thereafter, the driver of the vehicle fled away from the car by abandoning the same as the vehicle got punctured. Subsequently, on investigation it revealed that the said car was in the name of one Dashrath Verma which was sold to the present applicant and the applicant's mobile location was found near the spot. Subsequently, the applicant was arrested and his memorandum was recorded.

3. Learned counsel for the applicant submits that the applicant was not apprehended on the spot and on the basis of the mobile call record location the applicant has been arrested which is without any substance, therefore the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail and would submit that mobile call record of the applicant was shown to be near the spot.

5. Perused the case diary and the documents. Admittedly, it appears that the applicant was not arrested on the spot. Subsequently, on the basis of the mobile call location and agreement of sale of car he is arrested. Taking into totality of the case and nature of evidence collected, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE