

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1408 of 2016**

- Sandeep Kumar Verma S/o Ram Naresh, Aged About 48 Years, R/o Village- Jainapur, Samanpur, Police Station- Akbarpur, District- Ambedkar Nagar (Uttar Pradesh)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- Tapkara, District- Jashpur Chhattisgarh.

----Non-applicant

For Applicant	: Shri A.K.Prasad, Advocate.
For Non-applicant/State	: Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/11/2017**

1. Apprehending arrest in connection with Crime No.168/2015, registered at Police Station - Tapkara, District- Jashpur, (C.G.) for offence punishable under Section 20(B) of the Narcotic Drugs & Psychotropic Substances Act, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that this is first bail application of the applicant under Section 438 of the Cr.P.C. before this Court. The applicant has been falsely implicated in this case only for the reason that he is registered owner of the car bearing registration No. U.P. 45 N/3434, which has been seized with the contraband in the State of C.G. and offence has been registered against the persons occupying the said car. It is submitted that the applicant admits that he is registered owner of the said car, but the car was stolen from his possession on 21-11-2015 from Akbarpur, Distt. Ambedkar Nagar. The applicant tried to lodge FIR in the local police station, but his report was not lodged. Thereafter, he tried to approach the Superintendent of

Police for recording the FIR, but he could not get any help. Hence, he filed an application under Section 156(3) of the Cr.P.C. before the Court of CJM Ambedkar Nagar and on the order passed by the CJM Ambedkar Nagar his FIR has been lodged on 23-04-2016 in P.S. Akbarpur, Distt. Ambedkar Nagar, U.P. registering the offence of theft of the car of the applicant. It is further submitted that on the basis of material in the charge sheet filed against the applicant before the trial Court, no case is made out against the applicant. Hence, it is prayed that the applicant may be granted anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application for grant of anticipatory bail and the submission made in this respect. It is submitted that it was with the consent and connivance of the applicant that offence has been committed by co-accused persons using the car of the applicant, hence, the involvement of the applicant in commission of this offence cannot be ruled out and looking to the huge quantity of the contraband seized in this case, the applicant is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. As per the investigation, vehicle Swift car having registration No. U.P. 45 N/3434 was stopped and searched on 24-11-2015 by Jashpur police. Two occupants of the car namely Jaiprakash Prajapati and Abdul Haq @ Bablu were found in possession of 23.200 Kg. And 24.400 Kg. Ganja kept in the same car, on the basis of which offence has been registered against them as well as the applicant being owner of the said car.

6. Looking to the statement of the witnesses and finding in the investigation as it is contained in the case diary, I am of this view that the

applicant is having a case to defend himself, on this basis I am of this opinion that this is a fit case where the applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application (MCRCA No. 1408/2016) is hereby allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He shall cooperate in additional investigation to be conducted by the police. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge