

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 148 of 2017

- Krishan Kumar S/o Daniram Sahu, Aged About 29 Years R/o Azad Chowk, Arjuni, Police Station- Bhatapara (Rural), Civil And Revenue District- Baloda Bazar- Bhatapara Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through- Station House Officer, Kasdol, District- Baloda Bazar- Bhatapara Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Hemant Gupta, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 445/2016 registered at Police Station Kasdol, Distt. Baloda Bazar- Bhatapara (C.G) for the offence punishable under Section 20-B of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, on information being received on 03.11.2016 that one person travelling on Hero Honda Motor cycle bearing Registration No.C.G.22-A/7233 and was transporting cannabis on the said motorcycle, a raid was conducted and 10 Kgs., of cannabis was recovered from him. Further on enquiry it was revealed that the said cannabis was being transported for Dani Ram and present applicant who were involved in such business and thereafter, a fake demo packet was given to one of the person and on that basis certain cash was received which leads to point out that the applicant was the transporter of the cannabis and at his

behest the cannabis was being transported by other accused.

3. Learned counsel for the applicant would submit that the cannabis was not recovered from the possession of the present applicant and only on demonstration, the applicant is said to have been involved in transportation of cannabis thereby the case would not fall u/s 20-B of the NDPS Act. He further submits that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 04.11.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. It appears that on the basis of demonstration, the cannabis is said to have been recovered but actually no recovery of cannabis was made in person from the applicant .
6. Considering the nature of evidence available as against the implication of the offence and also the fact that the charge sheet has been filed I am inclined to release her on regular bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE