

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7899 of 2017

- Shivprakash Singh, S/o Late Ramraj Singh, Aged about 38 years, R/o Police Station-Kumarganj (U. P.).

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station-Gariyaband, Distt.-Gariyaband (Chhattisgarh).

---- Respondent

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MCRC No. 684 of 2018

- Satyendra @ Devendra Patel, S/o Ramteke, aged about 20 years, R/o Karowdiya Shahdol (M.P.).

---- Applicant

Versus

- State of Chhattisgarh, Through P.S. Station House Officer, Police Station-Gariyaband, Distt.-Gariyaband(C.G.).

---- Respondent

MCRC No. 729 of 2018

- Lalta Patel, S/o Nand Lal Patel, Aged about 52 years, R/o Abhanpur, Distt.-Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through: P.S. Station House Officer, Distt.-Gariyaband (C.G.).

---- Respondent

For Applicant	:	Ms. Fouzia Mirza, Advocate.
For Non-applicant/State	:	Shri Vijay Bhadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-03-2018

1. Since all three bail applications arise out the same crime number, they are being disposed of by this common order.
2. These applications filed under Section 439 of the Code of Criminal Procedure 1973 are the first bail applications of the applicants who have been arrested in connection with Crime No. 222/2016 registered at

Police Station Gariyaband District- Gariyaband (Chhattisgarh) for the offence punishable under Section 20-B of Narcotic Drugs and Psychotropic Substances Act.

3. Learned counsel for the applicant submits that the applicant- Shivprakash Singh in MCRC No. 7899/17 has falsely been implicated in this case and he is in jail since 13.12.2016; therefore, he may be released on bail. He further submits that Applicant Shivprakash was employed as driver of the Vehicle bearing registration No. UP43V/7655 by the owner of the said vehicle and he has no connection with the transportation of the contraband.
4. Counsel for the applicant submits that in MCRC No. 729/2018 & MCRC No. 684/2018, 10 kg ganja has been found from each of the applicants. He submits that other similarly situated co-accused persons have already been granted bail by the coordinate bench of this Court in MCRC No. 3790/11 on 11.12.2017, in which 10 kg ganja was seized from the said co-accused persons. Hence, it is prayed that applicant be enlarged on regular bail.
5. Learned State counsel opposes the prayer for grant of bail, and submits that the applicants are the resident of other State and the seizure of the contraband from the present applicant - Shivprakash is 15 kg, hence he has a different case from the other co-accused persons, therefore he is not entitled to be released on regular bail.
6. Heard both the parties and perused the case diary.
7. On the date of incident, vehicle bearing registration No. UP43V/7655 was stopped by the police personnel of Police Station- Gariyabhand, in which total six persons were traveling and on the search of the said vehicle, total 60 kg. ganja were found in transportation. 15 kg ganja was

seized from applicant Shivprakash, 10kg ganja from applicant Lalta Prasad and 10 kg ganja was found in possession of the applicant Satyendra @ Devendra Patel.

8. Considering all the material present in the case diary and the statement of the owner of the vehicle, which has been recorded in the investigation, who has stated in his statement that applicant is a driver who has employed by him, and considering that the other accused persons have already been granted bail by the coordinate bench of this Court, hence I am inclined to release all the applicants on bail.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Amita