

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 88 of 2018**

Gangaram Giri S/o Atmaram Giri, Aged About 37 Years R/o Village
Phulbahara, P. S. Chura District Gariyaband Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Chura Gariyaband Chhattisgarh.

---- Respondent

For the Applicant	:	Shri U. Pandey, Advocate.
For the Respondent/State	:	Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.03.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.50 of 2017, registered at Police Station – Chura, District - Gariyaband, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that the applicant is in jail since 30.03.2017 and he has been falsely implicated in this case. The applicant was simply the driver of the Bolero vehicle which was hired by co-accused - Sajid Khan on the pretext that he has to take his wife for treatment. The contraband that was kept in the car belongs to Sajid Khan and the applicant had no knowledge that the bags contained ganja (narcotic

substance). The statement of owner of the vehicle - Chetan Sharma is in support of this applicant, hence, no case is made out against the applicant. The applicant is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the seizure of 25 kg of ganja has been made from joint possession of this applicant and two co-accused persons. Hence, for these reasons, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident, the police personnel of P.S. Chura, stopped the vehicle bearing registration No. O.D. 26 A-6100 and searched the same. The vehicle was driven by applicant – Gangaram Giri whereas co-accused persons – Sajid Khan and Sitaram were the passengers. On a search made, 25 packets were found inside the dikky of the said vehicle. On examining the contents of the bags, it was found to be narcotic substance (ganja). The total quantity of ganja was 25 kg which was seized and the case was registered against the applicant. The arguments find some support from the statements of the witnesses recorded under Section 161 of the Cr.P.C., I am of the considered opinion that the applicant deserves to be released on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge