

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 996 of 2018**

Prakash Kumar S/o Nagendra Kumar Aged About 27 Years R/o Bazaar Para, Village Gelhapani, P.S. Chirmiri, Civil And Revenue District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. Police Station Nagarnar District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Avinash Singh, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.04.2018**

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.94 of 2017, registered at Police Station – Nagarnar, District – Bastar, 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 2.7.2017 and he has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The only allegation against this applicant is that

the evidence given by the registered owner of the vehicle that the applicant was the person who had hired the vehicle on which the contraband was found being transported. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the statement given by the registered owner of the vehicle there is ample evidence that the applicant was the person who was transporting the contraband. Hence, the applicant 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. Nagarnar, District Bastar found a vehicle Scorpio bearing registration No. C.G.12-R-5081 in abandoned condition. On search made, it was found that 50 kg of ganja (narcotic substance) was being transported on the said vehicle. Thereafter, the FIR was lodged. On the basis of the registration number of the vehicle, the registered owner - Sanjay Kumar was traced, who gave the statement that this applicant had hired this vehicle for 3 days prior to the date of incident. The prosecution has to show the connection between the hiring and the transport of contraband before the trial Court.

6. Considering the submissions and the contents of the case-diary, and the fact the applicant was not present when the contraband was seized and taking into consideration the evidence that is proposed against the applicant for his prosecution, I am of the considered view that the present is a fit case

where the applicant should be benefited with grant of regular bail.

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

8. It is directed that 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