

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7963 of 2017

- Jay Singh Suryawanshi S/o Shri Dewaja Suryawanshi, Aged About 29 Years R/o Village Mesalla R. M. T. Nagar Vidisha District Vidisha M. P., Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kanker, District North Bastar Kanker Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant : Mr. P.K. Tulsiyan, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/03/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.267/2017, registered at Police Station– Kanker, District– North Bastar Kanker (C.G.) for the offence punishable under Sections 20 (b) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant had been a driver of the vehicle in which contraband was being transported by the passengers traveling in the said vehicle who were actually in possession of the said contraband. No case is made out against him. Hence, it is prayed that applicant be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that though the applicant was driver of the said vehicle but he was aware about the contraband being transported in his vehicle. Further, seizure has been jointly made from the applicant and co-accused person and therefore he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident, a vehicle Bolero bearing registration No.MP 40-T-0501 was intercepted by police personnel of PS-Keskal and searched. It was found that 73 kg ganja, a narcotic substance, was being transported by the said applicant and three other occupants. After effecting seizure of ganja jointly from the applicants and co-accused persons, they were arrested and a case was registered against all of them.
6. Considered the entire material present in the charge-sheet and looking to the quantity of the contraband seized from possession of the applicant, which is much more than the minimum prescribed for commercial quantity, I am not inclined to grant bail to this applicant. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge