

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1357 of 2018

- Dinesh Kumar Sharma S/o Dharampal Sharma, Aged About 30 Years, R/o.- Village- Pasinakala, Police Station Panipat Sadar, District- Panipat (Haryana), District : Panipat, Haryana

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Of Police Station Borai, District- Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.P. Singh, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 24-08-2017 in connection with Crime No.10/2017 registered at P.S. Borai, District- Dhamtari, Chhattisgarh for the offence under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The grounds on which the applicant is praying for bail are these, that in the trial that has taken place, the witnesses have not supported the case and inference can be drawn that the witnesses on whom the prosecution relied have failed. The applicant is in jail since 24-08-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that huge quantity of contraband to the tune of 108 kg. Ganja has been seized from the possession of this applicant, while he was transporting the same and the applicant is resident of Haryana. Hence, he is not entitled for

grant of bail.

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

5. On the date of incident, police personnel of P.S. Borai, District Dhamtari intercepted a car bearing registration No. HR 17 C 6743 which was occupied and driven by the applicant alone. On search of the said car, 108 kg ganja, the contraband substance was recovered and seizure was made. Hence, this case.

6. Considered on the submissions made and perused the certified copies of the statements of the witnesses submitted before this Court.

7. As the case is, the witnesses have not been declared hostile by the prosecution and the evidentiary value of these witnesses has to be determined by the trial Court itself, it is not in the domain of the Court considering on grant of bail. Hence, for this reason, I am of this view that no case is made out for grant of bail to the applicant.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge