

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 993 of 2017

Chandrika Pandey @ Mannu Pandey @ Mannu Pandey S/o Vijay
Pandey, Aged About 28 Years, R/o Patna Khalpara P.S. Patna, District
Koriya, Chhattisgarh **----Applicant**

Versus

State Of Chhattisgarh Through Police Station Ramanujnagar, District
Surajpur, Chhattisgarh **---- Respondent**

For Applicant	:	Mr. A.N. Pandey, Advocate.
For Respondent/State	:	Mr. Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/01/2018

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.7/2017 registered at police station – Ramanujnagar, District Surajpur (C.G.) for alleged commission of offence under Section 21-B of NDPS Act.

2. Case of the prosecution is that from the possession of co-accused Dibyesh Pandey, narcotic codeine was seized by the police upon receipt of information. As against the applicant, it is alleged that though application was also accompanying the co-accused, at the time of seizure the applicant fled away from the spot, could not be arrested.

3. Learned counsel for the applicant would submit that the applicant has been involved in the criminal case only on suspicion without there being any material to show that he was present at the spot. He would submit that as the applicant was not found at the spot nor any seizure has been made from him nor there is any memorandum of the co-accused recorded by the police mentioning the name of the applicant, he may be protected by anticipatory bail.

4. On the other hand, learned counsel for the State opposes prayer and submits that according to the material contained in the case diary and the information which was received by the police regarding transit of narcotic codeine. The applicant was also accompanying the co-accused but he could

not arrest because at the time, police intercepted the applicant is reported to have fled away from the spot to evade arrest.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that there is neither any seizure nor he being named in the memorandum of the co-accused or even in the information received in the police station regarding moment of contravene, I am inclined to grant anticipatory bail to the applicant, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha