

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 304 of 2018

Alok Kumar Gupta @ Guddu S/o Ramu Gupta, aged about 29 years, R/o Etani, Police Station Etani, District- Baxar (Bihar).

---- Applicant

Versus

State of Chhattisgarh Through Police Station Udaypur, District- Surguja (C.G.).

---- Respondent

For Applicants	:	Mr. T.K. Jha, Advocate
For Respondent	:	Mr. Ramakant Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

27/04/2018

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 100/2016 registered at Police Station- Udaypur, District- Surguja (C.G.) for the offence punishable under Section 20 (b) of the NDPS Act.
2. Case of the prosecution in brief is that on 25/09/2016, police was conducting checking of the vehicles on the main road of Bilaspur. At that time, vehicle no. WB-02-T-3429 was coming, which was as directed to be stopped, but the driver of the vehicle took the vehicle other side with fast speed. Police chased the vehicle and intercepted the driver Sanjay Singh Yadav. In the vehicle, 43 bundles of ganja (around 100.425 Kg) was found which was seized from Sanjay Singh Yadav. It is alleged that Sanjay Singh Yadav informed the police that there was another person present in the vehicle and told his name as Alok Kumar (present

applicant). After investigation, the police has filed the charge-sheet against the Sanjay Yadav and describe the present applicant as absconded.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Nothing has been seized from his possession. The applicant was not present in the said vehicle. Neither was he driving the vehicle nor is he owner of the vehicle, therefore, he may be extended the benefit of anticipatory bail.
4. On the other hand, learned counsel appearing on behalf of the State has opposed the bail application and submitted that the applicant was present on the spot and fled away from the spot.
5. Considering the facts and circumstances of the case, particularly, the role alleged to be played by the applicant and further considering the fact that nothing was seized from the applicant, without further commenting on merit of the case, I am inclined to release the applicant on bail.
6. Accordingly, MCRCA No. 304/2018 is allowed.
7. It is directed that in the event of arrest, the applicant shall be released on bail on each of his furnishing a bond in the sum of Rs.100,000/- with one surety each for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/applicant 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/her from disclosing such facts to the Court or to any police officer;

iii. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

iv. The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

8. Certified copy, as per rules.

Sd/-
Judge
Arvind Singh Chandel

Rahul