

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2363 of 2018

Peddi Raju S/o D. Krishna Murty, aged about 47 years, R/o Village- Jinnaru, P.S. Poduru, Distt. West Godawari (A.P.).

--- Applicant

Versus

State of Chhattisgarh, Through Police Station- Kabir Nagar, Distt.- Raipur (C.G.).

---- Respondent

For Applicant	:	Ms. Reena Singh, Advocate
For Respondent	:	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

09/07/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 106/2017 registered at Police Station- Kabir Nagar, Raipur (C.G.) for the offence punishable under Sections 20 (b) of the NDPS Act.
2. As per prosecution story on 14/11/2017, on the basis of secret information received from the informant, the police authorities searched vehicle No. NL02 Q 0304 and seized 10 quinttals and 75 Kg of Cannabis from the possession of vehicle owner co-accused, Bhupendra Singh and driver- Arjeet Singh. It is alleged the present applicant had loaded the Ganja in the Pots and the same was being carried to Dehli hiding in pots. Offence was registered and the applicant was arrested on 06/02/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. She further submits that the applicant did not play any active role in committing the said offence and he was not having any knowledge about the Ganja, which was seized from the said vehicle. She further submits that the alleged Ganja was not seized from the possession of the present applicant. Other mandatory provisions of the NDPS Act have also not been complied with. The applicant is in custody since 06/02/2018 and charge-sheet has been filed, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that the Ganja was belonging to the present applicant and the same was loaded in truck by the present applicant, therefore, looking to the huge quantity of Ganja, the applicant may not be released on bail.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and the evidence collected by the prosecution particularly that the alleged Ganja has been seized from Bhupendra Singh and driver- Harjeet Singh and on their memorandum, present applicant has been implicated. Further considering that the applicant is in custody since 06/02/2018 and charge-sheet has already been filed, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a

personal bond for a sum of Rs. 4,00,000/- with two local sureties each of Rs. 2,00,000/- to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel

Rahul