

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2650 of 2018

1. Shyamlal Nayak & Ors. S/o Ghansiram Nayak Aged About 28 Years R/o- Village Kusumdarha, Thana Jharband District- Bargard (Odisha), District : Bargarh *, Orissa
2. Manoj Kumar Sahu S/o Motiram Sahu Aged About 35 Years R/o- Village Semliya Nardha, Thana- Vidhansabha District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Shailendra Sahu S/o Premlal Sahu Aged About 35 Years R/o- Village Semliya Nardha, Thana- Vidhansabha District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Singhoda, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Vikas Pradhan, Advocate.
For Respondent : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/06/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.06/2017, registered at Police Station– Singhoda, District– Mahasamund (C.G.) for the offence punishable under Section 20 (B)(1)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 6.12.2017. No case is made out against them according to the

material present in the charge-sheet. Charge-sheet has been filed after completion of investigation. Hence, it is prayed that applicants be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that huge quantity of contraband has been seized from the joint possession of all these applicants. Hence, they are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident on 6.12.2017 on a search being made by the police personnel of PS Singhoda, District Mahasamund of the car bearing registration No. M.P./09/HD-2970, 25 kilogram ganja, a narcotic substance, was found concealed inside the back seat of car which was being driven by applicant No.1 and occupied by other two applicants. Seizure was made from all the applicants.
6. It is claimed by learned counsel for applicants that applicant No.2 & 3 had taken lift in the car driven by applicant No.1.
7. On perusal of the case diary, statements of the witnesses and other relevant documents, I am of this view that applicants No.2 & 3 deserve to be released on regular, however bail application of applicant No.1 is liable to be rejected because his case is of being in conscious possession of the contraband seized.
8. Accordingly, the bail application of applicants No.2 & 3 filed under Section 439 of Cr.P.C. is allowed. It is directed that they shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. The bail application of applicant No.1 is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha