

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7932 of 2017

- Ritik Singh S/o Late Shri Ashok Singh, Aged About 23 Years R/o Village Chanda, Police Station Athman Gola, District Patna Bihar , Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Gariyaband, District Gariyaband Chhattisgarh , Chhattisgarh

---- Respondent

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MCRC No. 8037 of 2017

- Bhakt Naik S/o Dhanji Naik R/o Dendapli, Police Station Khokhsara District Kalahnadi Orissa , Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Gariyaband District Gariyaband Chhattisgarh. , Chhattisgarh

---- Respondent

For Applicants : Mrs. Smita Jha and Mrs. Fouzia Mirza,
Advocates.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/02/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications are first bail applications of the applicants

under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them as they have been arrested in connection with Crime No.146/2017 registered at Police Station – Gariyaband, District – Gariyaband (C.G.) for the offence punishable under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case without following the procedure laid down under the NDPS Act. Seizure has been made from applicant Ritik Singh on 29.7.2017. It is also submitted that only on the basis of memorandum statement of Rakesh Mishra, applicant Bhakt Naik in MCRC No.8037/2017 has been arrested and cash of Rs.38,000/-, mobile phone and motorcycle have been seized, which do not connect the applicant with crime in question in any manner. Hence, it is prayed that they may be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that main accused Rakesh Mishra and Shankar Sahu had purchased the contraband ganja from applicant Bhakt Naik, which is the evidence against applicant Bhakt Naik. There is sufficient evidence also against applicant Ritik Singh for his prosecution. Hence, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. On the date of incident, the police personnel of PS Gariyaband stopped a car bearing registration No.UP64-Z-3772 in which co-accused Rakesh Mishra, Rama Raman Shukla and Shankar Maravi were travelling. On a search being made, in total more than 90 kg

ganja was found in that car which was seized after following the procedure provided under the NDPS Act. Co-accused Rakesh Mishra in his memorandum statement disclosed name of applicant Ritik Singh based on which he was apprehended and brought to the police-station from where seizure of 11 kg ganja has been made separately from him. Similarly, on the basis of memorandum statement of Rakesh Mishra, seizure of cash and other articles have been made from applicant Bhakt Naik.

7. Considered.
8. Taking into consideration the entire material present in the case diary, looking to the evidence proposed against these applicants the fact that these applicants were not present in the car from which 90 kg ganja was seized and that the applicants are in jail since 29.7.2017, I am of this view that this is a fit case where applicants should be released on regular bail.
9. Accordingly, both the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that both the applicants 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 trial Court concerned, for their appearance before the Court below concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge