

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2727 of 2018

- Balkrishna Nag S/o Beersing Nag, Aged About 32 Years, R/o- Village- Antarla, Thana Emrampur, District- Kalahandi, (Odisha), District : Kalahandi, Orissa

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri Sachin Singh Rajput, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-06-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 03-12-2017 in connection with Crime No.285/2017 registered at P.S. - Bagbahara, District- Mahasamund, Chhattisgarh for the offence under Section 20(B) of N.D.P.S. Act, 1985.

2. It is submitted on behalf of the applicant that the applicant is in jail since 03-12-2017. He has been falsely implicated only because he was traveling in the vehicle driven by the main accused Jalandhar. The contraband that has been recovered from inside the bonnet of the jeep was not in the conscious possession of this applicant, this applicant was simply having a ride in that vehicle and was not aware of the contraband being carried in that. The applicant is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that 23 kg. Ganja has been recovered and seized from the joint possession of this applicant and four other co-accused persons. Hence, no

case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. On search made by the police personnel of P.S. Bagbahara, District-Mahasamund in vehicle jeep No. OR 06 D 1771 it was found that the vehicle was driven by co-accused Jalandhar and this applicant and three others were sitting in the vehicle, on search so made, 23 kg. Ganja was found concealed in the bonnet of the said vehicle.

6. The point raised by the applicant about conscious possession of the applicant is to be answered by the prosecution during trial, but, at present, this applicant not being driver or owner of the vehicle deserves to granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge