

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3221 of 2018

1. Kailash S/o Belar Kanhar Aged About 21 Years R/o- Village Sandigiya, Thana- Phiringiya, District- Kandhmal (Odisha), District : Kandhamal, Orissa
2. Champesar S/o Rajendra Kanhar Aged About 20 Years R/o- Village Sandigiya, Thana- Phiringiya, District- Kandhmal (Odisha), District : Kandhamal, Orissa

---- Applicants

Versus

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

---- Respondent

For Applicants	:	Mr. Vikas Pradhan, Advocate.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/06/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.285/2017, registered at Police Station– Bagbahara, District– Mahasamund(C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs Psychotropic Substances Act.

2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 3.12.2017. No case is made out against these applicants. They have been simply gratuitous passengers in the vehicle driven by the other accused persons. They have no knowledge about the contraband in the vehicle. One co-accused person has also been granted bail by this Court. Hence, it is prayed that he may be released on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that quantity of contraband is huge which has been jointly seized from the possession of all the accused persons, who were present on the vehicle, hence, they are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. On the search made by police-personnel of PS-Bagbahara, in the vehicle bearing registration No.OR-06-D-1771 which was driven by one Jalandhar. These applicants were found sitting in the back seat of the vehicle. On a search, 23 packets containing 23 kg ganja were found inside the bonnet of the vehicle which shows that the contraband was kept in concealment.
6. The question of conscious possession of contraband raised by the applicant appears to be a good case of defence, for this reason, I am of this view that this is a fit case where applicants who claim to be passengers should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that 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 concerned trial Court,
for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha