

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

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MCRC No. 2872 of 2018

- Akash @ Raja Das S/o Omprakash Das Aged About 22 Years R/o- Village Gorela In Front Of Goyal Petrol Pump Gorela, P.S.- Gorela, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through- S.H.O. Police Station- Police Station- City Kotwali Dhamtari, District- Dhamtari, Chhattisgarh.,

---- Respondent

For Applicant	Mr. Awadh Tripathi, Advocate
For Respondent /State	Mr. Satish Gupta, Government Advocate

Hon'ble the Vacation Judge**Order On Board****25/5/2018**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.269/2017 registered at Police Station City Kotwali, Dhamtari (CG) for the offence punishable under Section 20(B) of the NDPS Act.
3. The allegation against the present applicant is that the applicant and other co-accused persons were said to have been

transporting 209.100 Kgs of Ganja on 28.7.2017 in an Innova Car, which was seized by the prosecution.

4. Learned counsel for the applicant would submit that if the entire case of the prosecution is read as it is, it would reveal that there were only two accused persons, who had fled away from the scene of occurrence. He would further submit that the applicant has been impleaded only on the basis of memorandum statement of a co-accused Anil Gadewal. He would also submit that except the memorandum statement of Anil Gadewal, there is no material with the prosecution to implicate the present applicant and therefore, he prays for releasing the present applicant on bail.
5. On the other hand, learned counsel for the State opposes the bail application by pointing out the quantity of contraband and also referring to the memorandum statement of Anil Gadewal, on the basis of which, the present applicant was arrested.
6. Considering the entire facts and circumstances of the case particularly taking note of the fact that except for the memorandum statement of co-accused Anil Gadewal and further no seizure has been made from the present applicant, what is reflected in the FIR or in the *Dehatinalisi* is that only 2 persons were in the vehicle and who have also been identified in the course of investigation, this Court is thus of the opinion that present is a strong case to release the present applicant on regular bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(P. Sam Koshy)
Vacation Judge

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