

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3116 of 2018

Mahender Kashyap, S/o. Harisingh Kashyap, Aged About 28 Years, R/o. Keshavpura, Ward No. 48 Balakund, Police Station Kota, District Kota, Rajasthan.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- City Kotwali, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.07.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.586/2017 registered at Police Station- City Kotwali, District Mahasamund (C.G.) for the offence punishable under Section 20(B) of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that on 09.11.2017 when the police team were checking the road, they tried to stop the vehicle/ Car which was coming from Mahasamund and the same was driven away, which was followed subsequently and when the Car was apprehended from the dickey of the Car, total 16.220 Kg Cannabis were seized.
3. Learned counsel for the applicant submits that the Car was owned by Paras Ram Mina and since the owner was also there, as such, the offence cannot be attributed to the present applicant who was driver. He submits that the seized Cannabis is below the commercial quantity and from three persons 16.220 Kg of

Cannabis were seized; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. It appears that the present applicant was driving the Car and the owner of the Car is also one of the co-accused and three persons found in the Car wherein the Cannabis seized. Taking into such facts, the nature of evidence against the present applicant and the statement and also the fact that the present applicant is driver and owner of vehicle was present, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge