

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3524 of 2018**

Saleem Ansari S/o Lt. Shri Abdul Ajj, Aged About 31 Years, R/o-
M.N. 692, Gajra Side, Banki Mongra, Korba, District- Korba,
Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through- P.S. Banki Mongra, District-
Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pragalbh Sharma, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/07/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 01.03.2018 in connection with Crime No. 27/2018 registered at Police Station- Banki Mongra, District Korba (CG) for the offence punishable under Section 20 (B) of NDPS Act.

2. The allegation against the present applicant as per the prosecution is that on 01.03.2018, the applicant was found in possession of 6 Kg. Ganja in the Scooter that he was driving.

3. Counsel for the applicant submits that it is a case where the scooter belonged to one Dashrath Chouhan and that he has only borrowed the scooter unaware of the fact that there was contraband stored in its dicky/trunk. The applicant has also established the fact that

he was not the owner of the scooter by producing Annexure – A/2 which is the registration certificate. He further submits that the applicant has already remained in custody for more than four months and therefore, he may be released on bail.

4. State counsel, however, opposes the bail application and submits that the applicant was in exclusive possession of the contraband in as much as the contraband was recovered while he was driving the scooter. Therefore, he cannot be escaped his liability of transporting the contraband. Thus, prayed for rejection of the application.

5. Having heard the contentions put forth on either side and on perusal of the record, once when it has been established that the applicant was not the actual owner of the scooter and the contraband was recovered from the dicky/trunk of the scooter, the possibility of storing of the contraband by the owner of the vehicle cannot be ruled out and the present applicant had only borrowed the said vehicle at the time of incident also cannot be ruled out.

6. Given the said facts and also considering the period of custody, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**