

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3587 of 2018

Prakash Beldar, S/o Shri Raghunath Beldar, Aged About 45 Years, R/o- Village Erondon, P.S. Erondon, District- Jalgaon, Maharashtra.

---- Petitioner

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station Kanker, District- Kanker, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Palash Tiwari, Advocate.
For Non-Applicant/State	: Shri V. B. Singh, P. L.

Hon'ble Shri Justice Sanjay Agrawal

Order On Board

02.07.2018

1. The applicant has filed this bail application under Section 439 of the Code of Criminal Procedure for grant of bail, as he is in custody since 28.12.2017 in connection with Crime No.452/2017, registered at Police Station Kanker, District Kanker for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The case of the prosecution is that, on 28.12.2017 at about 12:15 p.m., the Police of Police Station Kanker, District Kanker during petrolling checked the vehicle in question, i.e., Scorpio bearing Registration No.MH19-BJ-9499 (wrongly mentioned as MH-19-BG-9499), which was coming from Jagdalpur to Raipur and upon

searching, the contraband article (Ganja) weighing 124.318 Kg was recovered, when it was being driven by one Mayur, the co-accused. At the relevant time, the present applicant Prakash was found in the said vehicle as a conductor and from their possession the alleged contraband article (Ganja) was seized which was being transported illegally.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the said crime, as he was just performing his duty as a conductor in the said vehicle and was not at all involved in commission of the said offence. He further submits that the witnesses to the seizure memo have turned hostile, therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the bail application and submits that at the relevant time, the contraband article (Ganja) weighing 124.318 Kg was being transported illegally and the applicant was also found at that particular time in the said vehicle and since the said contraband article (Ganja) was recovered from him and the other co-accused, therefore, he is not entitled to be enlarged on bail.
5. Having considered the materials available on record, particularly the recovery of contraband article (Ganja), which is more than the commercial quantity, I am not inclined to release the applicant on bail. The application is accordingly rejected.

Sd/-
(Sanjay Agrawal)
Judge