

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4094 of 2018**

1. Kailash Madi S/o Madho Madi, 29 years.
2. Mukesh Kumar Madkami S/o Munda Madkami, 59 years.

Both R/o Tondapalli, P.S. Malkangiri, District Orissa.

(The details of applicant is not mentioned in the impugned order, the details are being given as mentioned in the charge sheet)

---- Applicants**Versus**

- State Of Chhattisgarh - Through : P.S. Darbha, District Bastar (C.G.)

---- Respondent

For Applicants. :	Shri Keshav Dewangan, Advocate.
For Respondent. :	Shri Ravindra Agrawal, G.A.

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****02/07/2018**

1. The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody since 28.11.2017 in connection with Crime No.77/2017 registered at Police Station : Darbha, District Bastar (C.G.) for the offence punishable under Section 20-B of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, on 28.11.2017 the applicants were found in possession of 8 kg cannabis which they were carrying in a bag while travelling in a bus.
3. Counsel for the applicants submits that the exclusive possession of contraband article has not been proved by the

prosecution and if somebody had kept cannabis in the bus, the applicants alone cannot be blemished.

4. On the other hand, opposing the bail application it has been argued by the State counsel that the applicants were carrying contraband article that they kept in *pitthu bag* and exclusive possession of the same has been established.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular that the applicants were found in exclusive possession of 8 kg cannabis, at this stage, I am not inclined to release them on bail.
7. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Pritinker Diwaker)
Judge