

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4704 of 2018**

Bihari Thakur S/o Late Mutan Thakur Aged About 32 Years R/o- Goura, Outpost Bahoranpur, Police Station Bihiya, District- Aara (Bhojpur), Bihar, District : Bhojpur, Bihar.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Patan, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri T.K. Jha, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 71 of 2016, registered at Police Station Patan, District Durg, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that the applicant is in jail since 18.3.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. It is further submitted that a peculiar story has been made up against the applicant. The ganja was recovered and seized on 31.5.2016 from one abandoned vehicle and this applicant was not present at that time. Later on in the investigation, it was found that this

applicant had purchased that vehicle and the fact is that the applicant had already sold the said vehicle to one Rampravesh Rai before the date of incident, regarding which ikrarnama was also executed between the parties which has not been believed by the Investigation Officer. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State oppose the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. One vehicle bearing registration No. U.P.-16-P-7498 was found in abandoned condition by the police personnel of P.S. Patan, District Durg. In the dicky of the said vehicle, 9.786 kg of ganja was found which was seized accordingly. As no person was found with the said vehicle, the investigation remained pending. The applicant surrendered before the police on 18.3.2018. Thereafter, the investigation has been completed and the charge-sheet has been filed.

6. Considered the peculiar circumstances of the case, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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 as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge