

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5018 of 2018**

Laxminarayan Patel, S/o Dhansai Patel, Aged About 26 Years, R/o. Tundra,
Police Station Gidhauri, District Balodabazar, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Bilaigarh, District
Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Shokie Yadav, Advocate
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/08/2018**

1. This is the first bail applications 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.373/2017, registered at Police Station- Bilaigarh, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 420 of the Indian Penal Code and Section 20-B of the N.D.P.S. Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 06.04.2018. No case is made out against him according to the material present in the charge-sheet. The seizure of contraband was made from the abandoned vehicle. This vehicle was stolen before the date of incident in this case, regarding which, the car owner has lodged FIR at Police Station -Dharsiva. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that FIR of theft of car was lodged subsequent to the date of incident in this case and according to the statement of the

witnesses, this applicant was the possessory owner of the car, which he abandoned seeing the police man coming for search, hence, he is not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. On the date of incident, the police personnel of police station – Bilaigarh seized 132.68 Kg. Ganja from one abandoned Omini Car bearing registration No.C.G.04-LU-9841. Registered owner of this car has given statement to the police that this applicant was possessory owner of the said car. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and now the case is before the trial Court, this applicant was not present at the time of seizure, he is local resident of District – Balodabazar and the trial is likely to take sometime, hence, for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge