

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4811 of 2018

1. Vishnu Prasad Chandra Alias Ballu S/o Late Shri Nawadha Prasad Chandra, Aged About 35 Years, R/o Village Aamgaun, P.S. Jaijaipur, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer P.S. Janakpur, District Korla, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

MCRC No. 5605 of 2018

1. Shivcharan Sahu S/o Mohan Sahu, Aged About 46 Years, R/o Mitthumuda, Gandhi Nagar, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Janakpur, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Mr. P.K. Tulsyan, Advocate (in MCRC No.5605/2018),
Ms. Shivali Dubey, Advocate (in MCRC No.4811/2018).
For Non-applicant/State – Mr. Ashok Swarnkar and Mr. N.K. Mehta, Panel
Lawer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2018

1. As these two applications arise out of the same crime number, i.e., Crime No.73/2016 registered at P.S. Janakpur, District Korea, Chhattisgarh, they are being decided by this common order.
2. These are first bail applications filed before this Court by the applicants under Section 439 of the Cr.P.C. for grant of regular bail. Applicant Vishnu Prasad Chandra (applicant in MCRC No. 4811/2018) has been arrested on 20-06-2018 in connection with aforesaid crime number for the offence under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act (in short 'the

N.D.P.S. Act') and applicant Shivcharan Sahu (applicant in MCRC No. 5605/2018) has been arrested on 04-07-2018 in connection with aforesaid crime number for the offence under Section 20(B) of the N.D.P.S. Act and Section 420, 120(B) of the IPC.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant Vishnu Prasad Chandra is in jail since 20-06-2018 and applicant Shivcharan Sahu is in jail since 04-07-2018. No case is made out against these applicants. Applicant Vishnu Prasad Chandra is purchaser of the car bearing registration No. C.G. 4 CF/5880, whereas, he has not purchased the said car and he has no connection with the said car and the seizure of the contraband made from the said car. On behalf of applicant Shivcharan Sahu (applicant in MCRC 5605/2018) it is submitted that he had been previous registered owner of the car which he had sold to one Fulbai on 20-02-2016 and thereafter he had not remained owner of the said car and hence he has also no connection with the offence committed. Therefore, it is prayed that both these applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that huge quantity of contraband about 102 kg. Ganja has been seized. There is involvement of both these applicants in the offence committed, hence, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. On the date of incident police personnel of Police Station Janakpur, District Korea made seizure of 102 kg. Ganja from one abandoned car bearing registration No. C.G. 4 CF/5880. On the basis of registration number of the car it was traced that registered owner of this car was applicant Shivcharan Sahu. On the basis of statement given by applicant Shivcharan Sahu it was revealed that he had sold the car to Fulbai and the said car was again purchased by applicant Vishnu Prasad Chandra.

7. Considered on the material present in the case diary. As the seizure has not been made from personal possession of these applicants and they had been made accused in this case only on the basis of the ownership of the said car which is being disputed by the applicants, hence, under these circumstances, I am of this opinion that both these applicants should be granted regular bail.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge