

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6799 of 2018**

Devesh Singh Rajput S/o Vijay Singh Rajput Aged About 21 Years R/o
Ward No. 12 Near Dagpiya Talab Kumhari, Thana Kumhari, District-
Durg Chhattishgarh, District : Durg, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Khallari, District- Mahasamund Chhattishgarh, District : Mahasamund,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vikas Pradhan, Advocate
For the State	:	Shri R.K. Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

14/11/2018

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.135/2018 registered at Police Station Khallari, District Mahasamund (C.G.) for the offence punishable under Section 20(B) of NDPS Act.
3. Case of the prosecution, in brief is that on 02/08/2018 Sub Inspector Swaraj Tripathi had received information from informant that some persons are transporting cannabis by white Sumo vehicle, which is coming from Khariyar Road. He may blocked and stopped one white Tata Sumo bearing registration number C.G. 04 DT 1786. In that vehicle three persons were present one was applicant, another was co-accused Vickky Tandi and Dilip Kumar. Sub Inspector seized 15.200 kg. Cannabis from the applicant and aforesaid co-accused.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that in this case the informant and I.O. is same person, thus the investigation is vitiated. Thus applicant may be released on bail on this sole ground.
7. What would be the effect of allotted vitiate investigation it would be considered by the trial Court at the time of disposal of the case. At this stage where the bail application is pending applicant does not any help from the said fact.

8. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde