

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6928 of 2018

- Bhupendra Singh @ Rana S/o Sadhu Singh Rana Aged About 48 Years R/o Kadiyana, Police Station- Adampur, District- Jalandhar, Punjab.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Kabir Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Satish Chandra Verma, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/10/2018

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 106/2017, registered at Police Station Kabir Nagar, Distt. Raipur (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after two months vide order dated 09.07.2018 passed in M.Cr.C. No. 3760/2018.
3. As per the prosecution story, on 14.11.2017 on the basis of secret information received from the informant, the police authority searched vehicle No. NL 02 Q 0304 and seized 10 quintals and 75 kgs of cannabis from the possession of the vehicle owner i.e. the present applicant Bhupendra Singh and co-accused/driver Arijeet Singh. On the basis of above, offence has been registered and the present applicant is in custody since 14.11.2017.

4. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case, mandatory provisions of the NDPS Act have not been complied with. He further submits that other co-accused person namely Kudipudi Raju has already granted benefit of bail by this Court vide order dated 25.07.2018 passed in M.Cr.C. No. 4627/2018 and the case of the present applicant is also same, applicant is in custody since 14.11.2017, charge-sheet has already been filed and trial will take some time, therefore, he may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that the quantity of seized cannabis is 10 quintals and 75 Kgs which has been found from the possession of the present applicant/owner of the vehicle Bhupendra Singh and co-accused/driver Arijeet Singh. So, the present applicant is the main accused of the case. Therefore, he may not be released on bail.
6. I have heard learned Counsel for both the parties.
7. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that the present applicant is the main accused in this case because the contraband cannabis has been seized from his possession, therefore, his case is different from the case of the co-accused Kudipudi Raju. Considering the above facts, without further commenting on merits of the case, I am not inclined to release him on bail.
8. Accordingly, the bail application is rejected.

Sd/-

(Arvind Singh Chandel)

Judge