

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7198 of 2018**

Samaru Pujari S/o Narsingh Pujari Aged About 37 Years R/o Village -
Netal Gundi Kutni Pali P.S. Matali, District - Malkangiri, Orissa.,
District : Malkangiri *, Orissa .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S.
Kondagaon, District Kondagaon, Chhattisgarh., District : Kondagaon,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri S.R. Sinha, Advocate
For the State	:	Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**27/10/2018**

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 counsel for the State in connection with the Crime No.10/2018 registered at Police Station Kondagaon, District Kondagaon (C.G.) for the offence punishable under Section 20 B (II) (ख) of NDPS Act.
3. Case of the prosecution, in brief is that on 08/01/2018 at Narayanpur Tiraha, Kondagaon Sub Inspector Krishna Sahu, DCRB Branch SP Office Kondagaon seized one Mini Truck bearing registration number KL-06G-8685 from the possession of applicant and co-accused Sukhdev Das. In that truck 658 Kgs. And 500 grams ganja was found, which was also seized from the applicant and co-accused Sukhdev Das.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application. He further submits that there is no antecedents against the applicant.

6. Counsel for the applicant submitted that the informant and the investigator are the same person, thus the investigation has vitiated. All the papers regarding formalities are Hindi language and the applicant does not know Hindi, thus applicant may be released on bail.
7. What would be the effect of alleged vitiate investigation, allegedly not knowing of Hindi language by applicant would be considered by the trial Court at the time of disposal of the case. At this stage applicant does not get any help regarding bail from such facts.
8. Looking to the facts and circumstances of the case, looking to the huge quantity of seized ganja, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge