

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7604 of 2018

- Narottam Chandrakar S/o Daduram Chandrakar Aged About 70 Years R/o Village - Ratiya, Police Station - Masturi, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Masturi, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant	: Shri A. Hussain, Advocate.
For Non-applicant	: Shri Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 373/2018 registered at Police Station – Masturi, District Bilaspur, (C.G.) for the offence punishable under Section 20(A) of NDPS Act.
3. Case of the prosecution, in brief is that on 31.08.2018 at 09:10 hrs Sub Inspector H.R. Yadu police station Masturi seized 56.550 Kg cannabis from the courtyard of the applicant.
4. Learned counsel for the applicant argued that applicant the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicant further submitted the alleged courtyard is not belonging to the applicant. He is 17 years old. In the case in hand the informant and the Investigating Officer are same person. As per the principle laid down by the Supreme Court the entire investigation has become vitiated. Thus, the applicant is entitled for bail.
7. As per the panchnama applicant has made the courtyard in the khasara No. 117.1.
8. Looking to the facts and circumstances of the case, looking to the alleged vitiated investigation, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE