

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1404 of 2018

- Sanjay Kumar Patel S/o S.P. Patel, Aged About 26 Years, R/o Village Patoura Tola, District - Anuppur Madhya Pradesh., District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Kondagaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikas Pandey, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-12-2018

1. Apprehending arrest in connection with Crime No.7/2017, registered at Police Station – Kondagaon, District- Kondagaon, Chhattisgarh for offence punishable under Section 20(b)(ii)(B) of the N.D.P.S. Act, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case only for the reason that he happens to be the registered owner of the car which was seized with the contraband. The car bearing registration No. MP 65 C 2407 was stolen by some unknown persons, regarding which the applicant had moved a complaint on 05-01-2017, whereas, the incident has taken place on 06-01-2017 when the co-accused persons were caught transporting the contraband in that vehicle. The applicant had given a written complaint to the concerned police station and the copy of the same complaint is also annexed with this application as Annexure-A/2, Hence, these circumstances show that the applicant has no connection with commission of the offence, therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that no case is made out for grant of anticipatory bail to this applicant.
4. Heard learned counsel for the parties and perused the case diary.
5. On the date of incident the police personnel of P.S. Kondagaon stopped the vehicle bearing registration No. CG 04 RM 7072 and made seizure of 77.057 Kg. Ganja from the possession of the co-accused persons. This applicant was not present on the spot when the search and seizure was made.
6. Considered on the entire material present in the case diary. The applicant has given a written complaint on 05-01-2017 to the concerned police station about his loss of the vehicle. The investigation shows that the vehicle bearing registration No. CG 04 RM 7072 that has been seized is in fact the vehicle bearing registration No. MP 65 C 2407. Hence, under these circumstances, the argument submitted on behalf of the applicant has some substance. Therefore, I feel inclined to allow this application.
7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be

prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil