

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC.CRIMINAL CASE NO. 7413 OF 2017

1. Saddik Shah S/o M R Kadir Shah, Aged About 40 Years R/o Simoni, Police Station Baberu, District Banda, Uttar Pradesh.
2. Kalim, S/o Mr. Imam Baksh, Aged About 30 Years R/o Ludhauri, Post Kanvara, Police Station Banda, District Banda, Uttar Pradesh.

... Applicants

Versus

State of Chhattisgarh, through the Police Station Keshkal, Kondagaon (CG).

... Respondent

For Applicants	:	Shri Raza Ali, Advocate.
For Respondent-State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/03/2018

1. This is first bail application seeking grant of bail to the Applicants who are in jail since 09.08.2017 in connection with Crime No.96 of 2017 registered at Police Station, Keshkal, Kondagaon, for the offence punishable under Section 20-B of the NDPS Act.
2. The allegation as per prosecution is that, the present applicants on the date of incident were found in possession of 86.640 KG of Ganja.
3. The contention of the applicants is that the proceedings drawn by the prosecution itself shows that it was in contravention to the provisions of the NDPS Act. There are certain mandatory provisions which have to be complied with and which has not been done, and therefore, the applicants deserve to be released on bail. He referred to Roznamcha Sanha and drew the attention of the court that initially it was made at 8:40 and which reflects details of the investigation, even the proceedings which were drawn at around 11 O'clock till the

period of lodging of Roznamcha Sanha and also seizure proceedings drawn at 21:10 PM. These are material contradictions found in the case diary and therefore the applicants deserve bail.

4. On the other hand the State counsel opposing the appeal submits that it is a case where the proceedings infact had started from 19:05 PM as is reflected from the Roznamcha Sanha which is the time when they received secret information and subsequently the narration of facts would reveal that there are entries in respect of all the proceedings drawn and the subsequently entry made is that of entry made at 8:40 which is in respect of transactions which transpired 8:40 onwards till the Dehati Nalisi was lodged. It is the proceedings which perhaps appears to have been drawn after conclusion of the raid and the seizure proceedings and recording of Dehati Nalisi was complete. The said finding cannot be held to be in contravention of any provisions of the NDPS Act for the reason that Roznamcha Sanha is only a register which is maintained by the Police Department in respect of all the offence that have transpired in the police station on a particular date.
5. Considering the aforesaid factual matrix of the case and also considering the quantity of contraband seized from the possession of the applicants, this court is of the opinion that present is not a fit case to grant bail to the applicants.
6. Accordingly, the bail application stands rejected.

Sd/-
(P. Sam Koshy)
Judge