

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1450 of 2018

- Peddi Raju S/o D. Krishna Murty, Aged About 47 Years, R/o Village Jinnaru, Police Station Poduru, District West Godawari, (Andhra Pradesh), District : West Godawari, Andhra Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pharasgaon, Kondagaon, Civil and Revenue District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Verma, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-11-2018

1. Apprehending arrest in connection with FIR No.33304004180042/2018, registered at Police Station – Pharasgaon, Kondagaon, District- Kondagaon, Chhattisgarh for offence punishable under Section 20(B)(II) C of the IPC, 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 is the owner of the truck, whereas, there is no evidence that the said transportation of Ganja was done by the driver of the truck with the connivance of this applicant. The applicant himself was in jail on the date of seizure, i.e., 25-06-2018 who was ordered to be released on bail vide order dated 09-07-2018 and on furnishing the bail bonds on 24-07-2018 he was released on bail. Hence, no case is made out against this applicant. Therefore, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. On 25-06-2018 truck No.AP 28 TD 2109 was seized and searched by

the police personnel of Police Station Pharasgaon, Distt. Kondagaon, in which, 571.220 kg. ganja was being transported. The seizure was made from co-accused Soma Raju, the driver of the said truck.

6. Considering on the documents attached with the application, which shows that on 25-06-2018 the applicant was in jail in connection with another criminal case and his involvement in this offence is based only for the reason that he is owner of the said truck from which the seizure of contraband article was made. Hence, for these reasons, 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