

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8096 of 2018**

1. Hanumant S/o Kishan Savant Aged About 29 Years R/o Kamtapada, Post-Abviwali, Police Station And Tahsil- Karjat, Revenue And Civil District- Raigarh, Maharashtra.

2. Bhagwan Kade S/o Parshuram Kade Aged About 28 Years R/o Village- Wadgaon Mawal, Mohalla- Wudepada, Police Station- Wadgaon, Revenue And Civil District- Pune, Maharashtra.

**---- Applicants**

**Versus**

State Of Chhattisgarh Through Station House House, Police Station- Arang, District- Raipur, Chhattisgarh.

For Applicants : Mr. Yogesh C. Pandey, Advocate

For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**

**27.11.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.302/2018 registered in Police Station Arang, District Raipur for the offence punishable under Section 20B of Narcotic Drugs and Psychotropic Substance Act, 1985.
3. Case of the prosecution, in brief, is that on 08.07.2018 Bodhan Singh, Inspector posted at Arang seized 102 kg cannabis from the possession of the applicants.
4. Counsel for the applicants would submit that the applicants have not committed any offence and have been falsely implicated in the case and as such the applicants may be released on bail. He further submits that in case in hand, Informant and Investigating Officer are the same person hence looking to the judicial precedent laid down by the Supreme Court, the entire investigation has vitiated. Thus, this sole ground is sufficient to enlarge the applicants on bail.
5. On the other hand, counsel for the State would oppose for grant of bail. He further submits that no criminal antecedent reported against the applicants in police case diary.
6. What would be effect of vitiated investigation may be considered by the Trial Court at the time of final disposal of the case. At this stage,

the applicants do not get any help regarding for grant of bail.

7. Looking to the facts and circumstances of the case, looking to the huge quantity of cannabis, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the bail application is rejected.

8. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)  
**JUDGE**

L/-