

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1594 of 2018

- Dharmendra Pandey S/o Tanay Sudarshan Prasad Pandey, aged about 35 years, R/o Village Dhourhara, Post: Belwa Paikan Police Station and Tahsil Manganwa, District: Rewa (Madhya Pradesh) Mob.9893956353, District : Rewa, Madhya Pradesh

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station: Sarangarh, District: Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shukla and Mr. Rajeev Dubey,
Advocates.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

11/12/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.235/2016 registered at Police Station-Sarangarh, District – Raigarh(C.G.), for the offence punishable under Sections 20B [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (for short 'NDPS Act').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The applicant is registered owner of vehicle bearing

Registration No.MP17-TA-2494. His vehicle was stolen on 5.6.2016 regarding which he made a complaint to the concerned police-station, but his complaint was not received and thereafter the same vehicle was found in abandoned condition on 7.6.2016 in which it is alleged that some contraband was being transported. This applicant has no connection with such transport of contraband. Hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. On the date of incident, the police personnel of PS-Sarangarh, District-Raigarh, made a recovery and seizure of 99.800 kg from abandoned vehicle bearing Registration No.C.G.-12-R-2492 which was verified and it was found that the vehicle is under the ownership of this applicant, therefore, he has been arrayed as an accused in this case. Hence, this case.
6. Considered on the material present in the case diary, and that the recovery has not been made personally from this applicant and neither the evidence present on the spot. For these reasons, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge