

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 142 of 2019**

Ganesh Mourya, S/o. Shri Kartik Mourya, Aged About 35 Years, R/o. Sakin Mannu Chowk, Tikrapara, Police Station- City Kotwali, Tahsil and District- Bilaspur, Chhattisgarh.

----Applicant**Versus**

The State Of Chhattisgarh, Through : Station House Officer, Police Station- City Kotwali, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Shivali Dubey, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/02/2019**

1. Apprehending arrest in connection with Crime No.369/2018, registered at Police Station – City Kotwali, District – Bilaspur (C.G.) for offence punishable under Section 21 and 22 of N.D.P.S. Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present on record. Seizure of the articles have been made from the wife of this applicant. The statement given by the co-accused is not legally admissible evidence against this applicant. Apart from that there is no evidence to implicate this applicant. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the house from where the seizure of narcotics substances were made was in joint possession of this applicant and his wife co-

accused Ranu Mourya. Further there is admission made by the Ranu Mourya that she and her husband both were involved in sale of prohibited narcotics drugs. Therefore, no case is made out for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. On the date of incident, the police personnel of police station City Kotwali raided the house of this applicant and his wife co-accused Ranu Mourya, where co-accused person was found present. After following the procedure in N.D.P.S. Act, search was made and seizure of Nitrogen Tablet 1300 in numbers and Avil Ampule 500 in numbers were made from her possession. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the material present in the case diary as the seizure is not direct from this applicant and after looking to the evidence so far collected in the investigation, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram