

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 340 of 2019

1. Ramesh Mali S/o Sona Mali, Aged About 42 Years, R/o Panaraguda, Police Station Kosagumda Odisha ., Orissa
2. Banshi Mali S/o Sona Mali, Aged About 55 Years, R/o Panaraguda, Police Station Kosagumda Odisha., Orissa

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Nagarnar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicants – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-03-2019

1. Apprehending arrest in connection with Crime No.6/2016, registered at Police Station – Nagarnar, District Bastar, Chhattisgarh for offence punishable under Section 20(C) {(mentioned in the application as 20(B)} of the Narcotic Drugs and Psychotropic Substances Act, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out. The applicants had never present on the spot where the contraband is seized and neither they are connected with co-accused Belsur Padeyya and the other material that have been seized. Charge sheet has been filed against the co-accused, which does not show any evidence against these applicants. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that according to the information given by co-accused Belsur Padeyya, these applicants were present along with him in transporting the contraband, therefore, their application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.

5. On 18-01-2016 police personnel of P.S. Nagarnar made seizure of 120 Kg. of Ganja from one accused Belsur Padeyya and it is reported by that two persons were also present along with him who fled from the spot. The co-accused Belsur Padeyya named these applicants as the persons who were in his company at the time when he was caught by the policemen.

6. On perusal of the case diary, it appears that there is neither any memorandum statement nor any formal statement of co-accused Belsur Padeyya making allegation against these applicants and also after considering on all the evidence present in the case dairy, 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 these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge