

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 383 of 2019

- Sankirtan Yadav S/o Mr. Khetromani Adav Aged About 28 Years R/o As Mentioned In The Order Of The Court Below Village Katwa, P.S. Katwa, District- Jashpur, C.G. Original R/o Khajaridhap, Buldega, Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Farasgaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Raza Ali, Advocate.

For Respondent : Mr. Adil Minhaj, Panel Lawyer.

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

19/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.34/2018 registered at Police Station-Farasgaon, District-Kondagaon(C.G.), for the offence punishable under Sections 20-B of NDPS Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No seizure of contraband has been made from the possession of this applicant. It is true that this applicant was the registered owner of vehicle bearing Registration No.CG 14-MG-0884, which he had permitted his driver the co-accused Tokeshwar for taking it for his family use. The applicant has no

personal knowledge of the said transport of contraband, neither it was being done by his connivance and he has no connection with the offence committed, therefore, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant is absconding since the date of incident. The police has completed the investigation and filed the charge-sheet entering this remark that this applicant also one of the person involved and has to be prosecuted in the case, therefore, the conduct of applicant shows his involvement, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, on the date of incident 106.646 kg ganja the narcotics substance was seized when it was being transported in the vehicle as aforementioned. Three co-accused were found travelling in the same car, who have been arrested in the same case. This applicant happens to be registered owner of the said vehicle. Hence, this case.
6. After considering on the entire material present in the case diary and looking to the evidence that is proposed to the applicant at present, I feel inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed and 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 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge