

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1564 of 2019

Vicky Tandi, S/o Radhelal Tandi, aged about 24 years, R/o Ward No.10, Kumhari Chowk, P.S. Kumhari, District Durg (CG).

---- Applicant

Versus

State of Chhattisgarh, through Police Station Khallari, District Mahasamund (CG).

---- Non-applicant

For Applicant	: Mr. Utkal Pradhan, Advocate
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.05.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.135/2018 registered in Police Station Khallari, District Mahasamund for the offence punishable under Section 20(B) of Narcotics Drugs & Psychotropic Substance Act.
3. Case of the prosecution, in brief, is that on 02.08.2018, Sub Inspector Swaraj Tripathi had received an information from informant that some persons are transporting cannabis by white Sumo vehicle, which is coming from Khariyar Road. He blocked and stopped one white Tata Sumo bearing registration number C.G.04DT1786. In that vehicle, three persons were present, one was applicant and others co-accused were Devesh Singh Rajput and Dilip Kumar. Sub Inspector seized 15.200 kg cannabis from the applicant and aforesaid co-accused.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that seizure witnesses have been turned hostile before the trial Court and as such the applicant may be released on bail.
5. Counsel for the State opposed the bail application. He further submitted that no criminal antecedent is reported against the applicant in police case diary.
6. Merely turning hostile of seizure witnesses is not a sufficient ground for release of the applicant on bail.
7. Looking to the facts and circumstances of the case, looking to the huge quantity of seized cannabis from the possession of the applicant, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE

L/-