

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1766 of 2019

1. Arjun Jadhav S/o Ramdas Jadhav Aged About 40 Years Cast Ond Beldar, R/o Village Antraj Tahsil And P.S. Khamgaon, District- Buldana Maharashtra., District : Buldana, Maharashtra
2. Brijesh Beldar S/o Bhaiyadas Beldar Aged About 28 Years Cast Ond Beldar, R/o Village Borgaon, Tahsil And P.S. Pandhana, District- Khandwa, Madhya Pradesh., Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Bodhghat District- Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicants : Shri Rajesh Jain, 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 applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 229/2017 registered at Police Station – Bodhghat District – Bastar Jagdalpur (C.G.) for the offence punishable under Section 20-B of the NDPS Act.
3. Case of the prosecution, in brief is that on 24.07.2017 at railway station Jagdalpur sub-inspector Manoj Tirki seized about 70 kg cannabis from the joint possession of the applicants.
4. Learned counsel for the applicants submitted that in information of commission of crime it has been written that information was received on 23.07.2017 at about 17:30 hours. In memo for not receiving warrant the time is mentioned as 15:30 hours regarding receiving information. Notice under Section 50 of the NDPS Act was given on 14.07.2017 at about 3:20 hrs. In Talashi panchnama it has been mentioned that search was given at railway station, Jagdalpur. These all circumstances indicate that applicants have been falsely implicated, he further submitted that Section 57 of the NDPS Act has not been complied with, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application however submitted that there is no antecedent against the applicants.
6. Above mentioned circumstance of the case raised by the counsel for the applicants are the subject matter of scrutiny. It is well settled legal position that at the time of dealing with bail application this Court neither can scrutinize nor appreciate the evidence. At this stage this Court cannot see the merits and demerits of the case.
7. Looking to the facts and circumstances of the case, looking to the huge quantity of the alleged seized cannabis, looking to the seriousness of the offence, looking to the impact of granting bail to the applicants on society, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE