

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 831 of 2019**

Arvind Jain, S/o. Late Shri Rajendra Jain, Aged About 28 Years, R/o. Thanapara, Ratanpur, District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Gourela, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Umakant Singh Chandel, Advocate

For Respondent : Mr. Aaditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/06/2019**

1. Apprehending arrest in connection with Crime No.94/2019, registered at Police Station – Gourela, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 20-B 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 in the case diary. The name of the applicant – Arvind Jain has appeared only in the memorandum statement given by co-accused Pawan Soni, whereas seizure of Ganja has been made only from the co-accused Mohd. Juber and on the basis of his memorandum

statement, co-accused Pawan Soni has been made accused in this case. Charge-sheet in this case has been filed after completion of investigation. As there is no evidence against the applicant, therefore, it is prayed that the applicant may be granted 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 applicant is engaged in racket of transport and sale of Ganja, therefore, he is not entitled 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. 10 KG Ganja was seized from the possession of Mohd. Juber and Imran Ahmad. During the investigation, it was revealed that they have received the Ganja from one Pawan Soni. Pawan Soni was apprehended and interrogated and he named the applicant – Arvind Jain as supplier of Ganja. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering on all the facts and circumstances of this case, this Court is not 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 rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge