

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3489 of 2019**

- Dileep Kumar S/o Gandharv Kumar Aged About 45 Years R/o Ward No.10 Kumhari Chowk, Police Station Kumhari, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Khallari, District Mahasamund Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Utkal Pradhan, Advocate
For the State	:	Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19.06.2019**

1. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant 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.135/2018 registered at Police Station- Khallari, District- Mahasamund (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
3. Case of the prosecution, in brief is that on 02.08.2018 Sub Inspector Swaraj Tripathi had received information from informant that some persons are transporting cannabis by white Sumo vehicle, which is coming from Khariyar Road. He may blocked and stopped one white Tata Sumo bearing registration number C.G.04 DT 1786. In that vehicle three persons were present one was co-accused Devesh Singh, another was co-accused Vickky Tandi and third was applicant. The said Sub-Inspector seized 15.200 kg cannabis from the possession of the applicant and the aforesaid co-accused.
4. Counsel for the applicant submits that applicant was passenger he was neither driver nor owner. Seizure witnesses have turned hostile. Applicant is in jail since 10 months. Thus, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. Turning hostile of seizure witness is not itself a sufficient ground to release the co-accused on bail.
7. Looking to the above mentioned facts and circumstances of the case, looking to the alleged seized quantity of cannabis from the possession of the applicant, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul