

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 885 of 2019

- Pappu Verma S/o Late Dasrath Lal Verma Aged About 40 Years R/o Kailash Nagar, Titurdih Durg, Police Station- Mohan Nagar, Tahsil And District- Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District- Magistrate, Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate.

For Respondent : Mrs. Aditya Sharma, Panel Lawyer.

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

26/06/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.103/2019 registered at Police Station-Mohan Nagar, District-Durg, Chhattisgarh for the offence punishable under Sections 20(B), 27(A) of NDPS Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. There is absolutely no evidence against this applicant in the investigation made so far. The memorandum statement given by the co-accused is not legally admissible. Further, there is no evidence to show that the place from where ganja has been recovered and seized belonged to this applicant, therefore, it is prayed that he may be

enlarged on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that according to the proceedings in the investigation, there is necessity of apprehension and interrogation of this applicant, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. Co-accused Rahul Yadav has made statement of memorandum, that he was engaged in business of selling ganja in collaboration with this applicant. At his instance, the house of this applicant was searched and ganja was found contained in a bag of weight 16.3 kg. The punchnama has been prepared on the spot, in which, the neighbouring witnesses has stated that applicant is the resident of the same place.
6. Looking to the evidence that is present in the case diary and also there is requirement of further investigation for which custodial interrogation of this applicant appears to be necessary, therefore, I do not feel inclined to allow the application of this applicant.
7. Accordingly, anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge