

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4460 of 2019**

Mohit Jatav, aged about 26 years, S/o Budhram Jatav, R/o Johanapur, P.S. Fatehpur, Delhi.

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Devbhog, District Gariyaband (CG).

---- Non-applicant

For Applicant	: Mr. Atanu Ghosh, Advocate
For Non-applicant	: Mr. H.S. Ahluwalia, Deputy Advocate General

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.08.2019

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.34/2019 registered in Police Station Devbhog, District Gariyaband for the offence punishable under Section 20(B) of Narcotics Drugs and Psychotropic Substance Act.
3. Case of the prosecution, in brief, is that on 05.02.2019 Inspector S.S. Shyam posted at police station Devbhog received an information that one Kreta car has turned down near the village Chichiya. He and police officials reached there. Applicant and co-accused Vikas Jatav were sat near the said car. It was found that in that car cannabis was kept. 20.670 kg cannabis was seized from the possession of co-accused Vikas Jatav. From the possession of the applicant, the said car, R/C Book, insurance paper were seized.
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 no cannabis was seized from the possession of the applicant. The applicant is only the driver of the said car. The owner of the said car is Deepak Malhotra. In Mukhbeer Suchna Panchnama the date is 05.02.2019 and in Talasi Panchanma the date is 04.02.2019, hence the applicant may be released on bail.

5. Counsel for the State opposed the bail application. However, he submitted that previously no criminal antecedent is reported against the applicant in police case diary.

6. Looking to the facts and circumstances of the case, looking to the material available on record against the applicant, looking to this fact that the applicant was present near the said car and cannabis was present in that car, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-