

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6984 of 2018**

Lalan Ram Rajwade S/o Jagram Rajwade Aged About 45 Years Caste Rajwar, Occupation Agriculture, R/o Village And Post Karwa, P. S. Jainagar, Tahsil And District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through The Station House Officer, P. S. Jainagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri A.K. Prasad, Advocate
For the State	:	Shri I. Lakra, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/01/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.227/2018 registered at Police Station Jainagar, District Surajpur (C.G.) for the offence punishable under Section 20-A and 20-B of NDPS Act.
3. Case of the prosecution, in brief is that on 20/08/2018 about 20.05 hours in village Karwan, Sub Inspector Laxmi Prasad Gupta posted at Police Chowki Latori, seized 104 grams cannabis from the house of applicant and also seized one cannabis plant weight 128 grams from a cowshed of the applicant.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submitted that six other criminal cases under CrPC have been registered against the applicant.
6. Counsel for the applicant drew my attention on the certified copy of Executive Magistrate Pilkha area Vishrampur, wherein it has been

mentioned that Complaint Case No. 734/15, 863/16, 106/1109/16, 1245/16, 127/17 and 120/18 are not entered in Criminal Case Register Year 2015, 2016, 2017, 2018.

7. Shri Azaharuddin, Sub Inspector Outpost Latori has filed an affidavit in support of clarification dated 11/01/2019. As per clarification six complaint cases have been registered against the applicant under CrPC and filed before Executive Magistrate Vishrampur.
8. Counsel for the applicant further submitted that the proceeding of 107, 116 of CrPC are preventive in nature and it cannot be said that applicant is the habitual offender.
9. *Prima facie* it cannot be said that six other criminal cases under CrPC have not been registered against the applicant.
10. Looking to the facts and circumstances of the case, looking to this fact that *prima facie* six other criminal cases under CrPC have been registered against the applicant, this Court is not inclined to give him benefit of Section 439 of CrPC. Consequently his bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge