

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8768 of 2018**

Devraj Nag S/o Indrasen Nag Aged About 22 Years R/o- Near Advani School, Derapara, P.S. Khamtariye, District- Raipur, Chhattisgarh.,
District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, Police Station Khamtariye, District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri B.M. Roy, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**03/01/2019**

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.355/2018 registered at Police Station Khamtariye, District Raipur (C.G.) for the offence punishable under Section 20 B of NDPS Act.
3. Case of the prosecution, in brief is that on 02/07/2018 at Rawabhatha at 17.40 hours A.S.I. Ramesh Chandra Yadav posted at Police Station, Khamtarai seized 20 Kg. of cannabis from the dicky of the Wagon R bearing registration number C.G. 04 LW 0795. Applicant, co-accused Mahendra Dhruv, Baisakhu Dhruv, Ajuba Uike were present in that car.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, alleged cannabis was not in the exculsive possession of the applicant and he is in custody since 02/07/2018, thus, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Looking to the facts and circumstances of the case, looking to the huge quantity of alleged cannabis, this Court is not inclined to give the benefit under Section 439 of CrPC.
7. Accordingly, bail application is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge