

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8653 of 2018**

1. Shri Shivam Raghuvanshi S/o Shri Ramsharan Raghuvanshi Aged About 24 Years R/o Village Ahmedpur, P.S. Bareli, District Raisen (Madhya Pradesh)., District : Raisen, Madhya Pradesh
2. Shri Puroshottam Malviya S/o Shri Mannu Lal Malviya Aged About 26 Years R/o Village Chabbra, P.S. Bareli, District Raisen (Madhya Pradesh)., District : Raisen, Madhya Pradesh
3. Anoop Kumar Yadav S/o Ashok Yadav Aged About 27 Years R/o Village - Tendukheda, P.S. Tendukheda, District Narsinghpur (Madhya Pradesh)., District : Narsimhapur, Madhya Pradesh
4. Shri Devendra Raghuvanshi S/o Surendra Raghuvanshi Aged About 24 Years R/o Village - Devri, P.S. Devri, District Raisen (Madhya Pradesh)., District : Raisen, Madhya Pradesh
5. Badri Prasad S/o Jamuna Prasad Aged About 31 Years R/o Village - Khairana, P.S. Tendukheda, District Narsinghpur (Madhya Pradesh)., District : Narsimhapur, Madhya Pradesh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Dhamtari District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh.

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For the Applicants	:	Shri Ashutosh Shukla, 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. Case diary is not produced. Counsel for the applicants provided photocopy of the charge-sheet in connection with the Crime No.349/2018 registered at Police Station City Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
3. Case of the prosecution, in brief is that on 28/07/2018 at 15.50 hours at Naharpara Chowk Dhamtari, Sub Inspector Bhavesh Shende posted at City Kotwali, Dhamtari seized one Scorpio bearing registration number OR-S-6376 along with key and one plastic bag containing 23.900 Kg. Cannabis from the possession of all five applicants.
4. Learned counsel for the applicants submits that they have innocent and falsely implicated in the present case. There is no document which may show that any of the applicant is owner of said vehicle, alleged seized cannabis was not weightage in presence of applicants, all the applicants

are below 30 years of age, thus they may 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 applicants.
6. Looking to the facts and circumstances of the case, looking to the alleged huge quantity of seized cannabis, this court is not inclined to give the benefit under Section 439 of CrPC, the bail application is rejected.
7. Trial Court is directed to expedite the trial as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde