

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6715 of 2019

- Mohammad Raeis S/o- Haji Mohammad Jamal Aged About 36 Years R/o- Bavankera, Patewa, District- Mahasamund Chhattisgarh,

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Simga District- Balodabazar Chhattisgarh

---- Respondent

For Applicant	: Smt. Smita Jha, Advocate
For Respondent/State	: Smt. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

10/12/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 265/2019 registered at police station Simga, District Baloda Bazar (CG) for the offence punishable under Section 20(B) of the Narcotics Drugs and Psychotropic Substances Act.

As per case of the prosecution, on receiving secret information, the police party went to the spot and blocked the road, caught the pick up vehicle and four wheeler on the way from Raipur to Bilaspur and seized 65 kgs. Of ganja from the possession of four accused persons. at the time of vehicle checking under the Motor Vehicles Act, near the

check post the applicant was found carrying 6 kgs. of *ganja* which was seized by the police.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime. He submits that the applicant is the owner of the vehicle and had given the pick up vehicle on rent for a period of 11 months. He further submits that the contraband was seized from the possession of other four accused persons and not from the present applicant. He submits that the applicant is in jail since 26.09.19 and the trial may take some time for its disposal and therefore he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant and the fact that nothing has been seized from the possession of the present applicant, I am inclined to release him on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge