

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9808 of 2018**

Upadhyay Singh S/o Durandhar Singh Aged About 40 Years R/o Village Maasar, Police Station Udwat Nagar, District Bhojpur Bihar, District : Bhojpur, Bihar.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Mainpur District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Saumya Sharma and Naveen Shukla, Advocates
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**17/01/2019**

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.81/2018 registered at Police Station Mainpur, District Gariyaband (C.G.) for the offence punishable under Section 20(b) of NDPS Act.
3. Case of the prosecution, in brief is that Sub Inspector Premsingh Thakur, Police Station Mainpur received an information on 25/08/2018 that one person is illegally transporting cannabis in a bus bearing registration number C.G. 04 E / 2376. Said Sub-Inspector made the blocked. At the bus stand he seized one bag containing 10.200 Kgs. cannabis from the possession of the applicant.
4. Learned counsel for the applicant submits that he has 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 submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that alleged cannabis was not

seized from the exclusive possession of the applicant. The informant and investigating officer is one person, thus investigation has been vitiated, thus he may be released on bail.

7. *Prima facie* it cannot be said that applicant was not in an inclusive possession of alleged seized cannabis. What would be effect if the Investigating Officer and informant is a one person, it would be considered by the trial Court at the time of disposal of the case.
8. Looking to the facts and circumstances of the case, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde