HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 742 of 2020

Chiranjeev @ Pappu Soni, S/o Poshanlal Soni, Aged About 26 Years R/o Village Mohlai, Police Station Pulgaon, Tehsil And District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through - District Magistrate, Station House Officer, Police Station Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.
For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05.08.2020

1. The matter is heard through Video Conferencing.

2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No. 319/2020, registered at Police Station: Durg, District: Durg (C.G.) for the offence punishable under Section 20 (b), 27 (a) of NDPC Act.

3. According to the case of prosecution, on 13.05.2020, on the basis of information received from informant, police officials searched and seized total 2.230 Kg of contraband Ganja and Rs.1,150/- cash from the co-accused Sandeep Yadav. Allegations against the present Applicant is that the said Ganja was obtained from the present Applicant by the co-accused. On the basis of said, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that the present Applicant is involved in the case only on the basis of memorandum statement of co-accused and apart from that there is no any direct evidence against the present Applicant. He further submits that recovery of said Ganja is made from the co-accused person, therefore, Prima Facie no case is made out, therefore, it is prayed that the Applicant

may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.

6. I have heard learned Counsel for the parties.

7. Considering the facts and circumstances of the case and arguments adduced by counsel for the parties particularly considering the fact that there is no any direct evidence against the present Applicant and he is involved in the said crime-in-question only on the basis of the memorandum statement of co-accused, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.

8. Accordingly, the anticipatory bail application is allowed.

9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

    I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;

    II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

    III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and

    IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge

Saurabh