

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5325 of 2020**

Raj Kumar Sharma, son of Shri Rajendra Prasad Sharma, aged about 23 years,
Caste Bramhan, R/o. Village Naglajar, Police Sation Iglas, Tahil and District Aligarh
(U.P.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Komakhan,
District Mahasamund (C.G.)

----Non-applicant

For Applicant	: Mr. Shikhar Sharma, Advocate.
For Non-applicant/State	: Mr. Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/08/2020**

- (1) Proceedings of this matter have been taken taken up through video conferencing.
- (2) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 151/2020 registered at police Station Komakhan, District Mahasamund (C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
- (3) Case of the prosecution, in brief, is that from the possession of co-accused Madan Mohan Sharma 100 kilograms of Ganja has been seized by the police and applicant is also involved in the said commission of offence.
- (4) Counsel for the applicant would submit that the applicant has been falsely

implicated in the offence as he has not committed any offence. He submits that the applicant is only driver of the Bolero vehicle by which the alleged ganja has been seized and at the instance of co-accused-Madan Mohan Sharma, he was driving the said vehicle and he was given impression that pineapple are to be taken to the State of Chhattisgarh and, therefore, he is not involved at all in the offence in question and, therefore, he may be released on bail as he is in jail since 25.07.2020.

(5) On the other hand, counsel for the State opposes the bail application.

(6) Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, in particular the fact that 100 kgs of ganja has been seized from the possession of the applicant and the provisions contained in Section 37 (1)(b)(ii) of the N.D.P.S. Act, 1985 is attracted in the present case, therefore, it cannot be held that applicant is not guilty of such offence and he is not likely to commit any offence while on bail. Thus, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

