

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6994 of 2020

- Pradeep Dewangan S/o Budhlal Dewangan Aged About 30 Years Resident Of Barhol, Police Station- Ramanujnagar, District- Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kelhari, District- Korea, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Sonia Kuldeep, Advocate.
For State	:	Mr. Lalit Jangde, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan ShrivastavaOrder On Board01/12/2020

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.58/2020 registered at Police Station- Kelhari, District- Korea, C.G. for the offence under Section 20 (B) of NDPS Act.
2. It is alleged that upon receipt of *Mukhbir* information, applicant's vehicle was intercepted and 34 KG of *Ganja* was found in the vehicle driven by the applicant.
3. Learned counsel for the applicant would submit that the applicant is innocent person and he has been falsely implicated. It is argued that the applicant carries business of transporting and selling vegetables and in fact, in his vehicle, only vegetables were carried out but in order to falsely implicate, certain quantity of narcotics, without notice and knowledge of the applicant, was kept in the vehicle of the applicant of which applicant has no knowledge.
4. On the other hand, learned State Counsel opposes and submits that on 07.07.2020, *Mukhbir* information was received in the Police Station, thereafter, the Police Officer proceeded to record the information through *Panchnama* on the same day and sent information on that very day to the higher authorities in

compliance of the provision contained in Section 42 of the NDPS Act and in the *Mukhbir Panchnama*, the vehicle number, color and name of the applicant's vehicle have been stated. He would next submit that at the spot, in the presence of two witnesses, the applicant was given notice under Section 50 of the NDPS Act, thereafter, search was carried out and from the vehicle, 34 KG *Ganja* was recovered. Thereafter, in the presence of witnesses, all other proceedings of recovery and weighment preparation of sample have been carried out. Two independent witnesses, who remained present throughout the proceedings, have stated regarding recovery of *Ganja* from the vehicle of the present applicant in their case diary statement under Section 161 Cr.P.C.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the material divulged from the case diary and charge sheet and the material particularly case diary statements of all witnesses of seizure of *Ganja* from the vehicle of the applicant, there is no material placed before this Court in support of the applicant's case that he has been falsely implicated by keeping *Ganja* in his vehicle without notice and knowledge. This Court is unable to record satisfaction that there are reasonable grounds to believe that the applicant is not guilty of commission of offence, therefore, present is not a fit case for grant of bail.
6. The bail application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge