

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 282 of 2021

1. Kamal Mandal S/o Narendra Mandal, Aged About 36 Years, R/o -Bapunagar, P. V. 35, Chote Kapsi, Pakhanjore, Thana Pakhanjore, District -Kanker, (CG).
2. Samal Singh S/o Puran Singh, Aged About 32 Years, R/o -Thikriya, Post -Baroda, Thana -Rutaval, District -Bharatpur, Rajasthan.

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Bagnadi, District -Rajnandgaon, Chhattisgarh.

--- Respondent

For Applicants	: Mr. Parag Kotecha, Advocate & Mrs. Bhavika Kotecha, Advocate.
For Respondent-State	: Mr. Shrikant Kaushik, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09/07/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants, who have been arrested in connection with Crime No.28/2020, registered at Police Station -Bagnadi, District -Rajnandgaon, (C.G), for the offence under Section 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act').
2. Case of the prosecution, in brief, is that on 08.06.2020, the Police received a secret information that the persons travelling on motorcycle are carrying illicit liquor. On the basis of said information, Police intercepted the motorcycle near Bagmati and on search being made, total 30.610 kg contraband (Ganja), kept in one bag, was seized from the possession of the present applicants. Based upon which they were arrested and aforementioned crime was registered against them.
3. Learned counsel for the applicants submits that applicants were not carrying contraband (Ganja), a false and frivolous case has been registered against them. In the secret information panchnama, time has been mentioned as 04:15

pm whereas in the statements of witnesses they stated that they have been called at 04.00 pm, hence, there is discrepancy in the time which makes the entire case of prosecution suspicious. Applicants are in jail since 08.06.2020. Hence, they may be released on bail.

4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicants and submits that grounds raised by the learned counsel for the applicants are not of much relevance because difference of time, as pointed out, is only of 15 minutes showing the notice and time of preparing Panchnama. All the procedures of search and seizure have been followed by the Police. Quantity of contraband (Ganja) recovered from the possession of the applicants is more than the commercial quantity, therefore, they are not entitled for bail.
5. Heard learned counsel for the parties.
6. As per the submission made by learned counsel for the applicants, secret information panchnama has been recorded at 4.:15 pm and the statements of witnesses were recorded under Section 161 of the Cr.P.C showing that they have been called at 04:00 pm. Hence, in the opinion of this Court no illegality is committed by the Police while recording secret information panchnama.
7. Considering the entire facts and circumstances of the case, nature of allegations, material available in the case diary, total quantity of contraband (Ganja) recovered from the possession of applicants, I do not find it to be a fit case to enlarge the applicants on regular bail.
8. Accordingly, bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-