

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 802 of 2021****Order Reserved on 05.07.2021****Order Delivered on 16.07.2021**

- Monu Singh S/o Late Shri Bharat Singh aged about 22 years R/o RZ 58, A- Block, Vijay Enclave, Palamgaon, South West Delhi Dawri, District- Dwarka (Delhi).

---- Applicant**Versus**

- State of Chhattisgarh Through : through Police Station Nagarnar Bastar District- Bastar- Jagdalpur (C.G.).

---- Non applicant

For Applicant	: Mr. Ashok Kumar Komra, Advocate
For State	: Mr. Sudeep Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas**CAV Order**

1. The applicant has preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973, for grant of regular bail as he is in jail since 29.12.2020 in connection with Crime No. 222/2020, registered at Police Station Nagarnar Bastar District- Bastar- Jagdalpur (C.G.) for commission of offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "NDPS Act")
2. The prosecution case, in brief, is that on 29.12.2020 incharge Officer, Police Station -Nagarnar received information from the informant that the present applicant was found in possession of 70 kilograms of contraband (opium) like substances in 14 packets while traveling by his Vehicle Car bearing registration No.

DL-4C AD 2915. On such information being received the Police party conducted the raid wherein the said contraband (Opium) was seized and as a result thereof offence has been registered against the present applicant under Section 20(B) of NDPS.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated as there is no proof of his involvement in the crime in question and no *prime facie* case is made out against him. He further submits that the applicant is a permanent resident of Delhi. It is further submitted that the applicant is languishing in jail since 29.12.2020, the trial is likely to take time for its final conclusion and he will not abscond if bail is granted to him, therefore, present applicant may be enlarged on bail.
4. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that the present applicant is a resident of Delhi and his vehicle is also registered at Delhi therefore there may be absolute chance for absconding the applicant, if the bail is granted to the applicant, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Learned counsel for the applicant has also filed additional documents by filing the copy of statement of seizure witness, who have turned hostile and have not supported the case of the prosecution but in the case diary there are other witnesses whose statements are yet to be recorded which is the subject matter of cross-examination at the time of trial.
7. Considering the facts & circumstances of the case, particularly the contraband Opium was seized from the present applicant to the tune of 70 kg though it is less than commercial quantity but no reason has been assigned by the applicant regarding transportation of the said contraband article, material available in the case diary and further considering the fact that the applicant is not the resident of State of Chhattisgarh, therefore, there is absolute chance of his absconding, I am not inclined to grant bail to the applicant.

8. Accordingly, the bail application filed by the applicant is rejected.

Sd/-

(Narendra Kumar Vyas)

Judge

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