

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1238 of 2021**

- Dharampal Sahu S/o Bhagwat Sahu Aged About 34 Years By Caste- Teli, R/o Village- Darri, Post- Hatranka, Police Station- Thankhamhriyan, District- Bemetara, Chhattisgarh, As Per Chalan.

**---- Applicant****Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Tongpal, District- Sukma, Chhattisgarh,

**---- Respondent**


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| For Applicant        | : | Shri Shubham Tripathi, Advocate.        |
| For Respondent-State | : | Shri Sameer Oraon, Government Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant, Judge**  
**Order on Board**

**16.06.2021**

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicant has been arrested on 13.12.2020 in connection with Crime No. 24/2020 registered at Police Station Tongpal, District – Sukma, C.G. for offence punishable under Sections 20B of NDPS Act.
2. It is submitted by the learned counsel for the Applicant that the no seizure has been made from the possession of the Applicant. He has been made accused only for the reason that he is the registered owner of the Car bearing Registration No. CG-15-CZ-6605. In fact, the Car was borrowed by the co-accused Lavsingh Chouhan, who has misused the same for transporting the Ganja. The Applicant has no connection with the said crime committed, therefore, he may be granted the bail.
3. The learned counsel for the State opposes the application and the submission made in this respect. It is submitted that since after the incident

of seizure, the Applicant had absconded and did not file any application for getting the custody of the vehicle therefore, it can be presumed that the Ganja was being transported in the said vehicle with conscious knowledge to the Applicant. Hence, the applicant is not entitled for grant of bail.

4. I have heard the learned counsel for the parties.
5. As per the prosecution case, the seizure of 164.935 KG illicit article - Ganja was made from the co-accused Lavsingh Chouhan, while the same was being transported in the Car bearing Registration No. CG-15-CZ-6605. The Applicant has later on been made accused in the case on the basis of the fact that he was the owner of the said vehicle.
6. Considered on the submissions. As the Applicant is not the person from whom the contraband have been seized and that he has taken a stand that the car was borrowed by the co-accused, hence, looking to the circumstances and submissions made in this behalf, I am inclined to allow this application.
7. Consequently, the application filed by the Applicant under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
8. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**