

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1407 of 2021**

- Jagdish Sahu S/o Chandrabhan Sahu, aged about 32 years R/o Village Barratola P.S. and Tahsil Nainpur, District Mandala (M.P.)

----Applicant**Versus**

- State of Chhattisgarh, through P.S. Darbha District Bastar (C.G.)

----Non-applicant

For Applicant	Mr. Shivang Dubey, Advocate.
For State	Mr. Jitendra Pali, Dy. Advocate General

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****28/05/2021**

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No. 27/2020 registered at Police Station Darbha, District Bastar C.G. for the offence punishable under Sections 20 (b) (2-C), 29 and 63 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Facts of the case are that on 06/07/2020 the police has received a secret information that someone is transporting the contraband 'Ganja' in a car. On such report, the police has stopped the car and searched and seized 70 KG Ganja from the possession of co-accused persons. It is alleged that the applicant was the

owner of the said vehicle. The matter was investigated and the applicant was taken into custody on 17/12/2020.

4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. The applicant is not registered owner of the vehicle nor was having any possession over the said vehicle. The alleged contraband has been seized from co-accused Ajay, Ashish, Avinash and Sandeep. He further submits that only on the basis of one affidavit, the applicant has been falsely implicated as owner of the vehicle. He was neither present on the spot. The document of the vehicle has been seized from co-accused Dinesh, therefore, there is no evidence against the applicant. He further submits that the applicant is in jail since 17/12/2020 and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, it is prayed that applicant may be granted bail. Reliance has been placed on **(2005) 4 SCC 146, Balwinder Singh v. Asstt. Commissioner, Customs and Central Excise.**
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Taking into consideration the fact that the applicant was neither present on the spot nor the alleged contraband was seized from his possession, the alleged Ganja was seized from joint possession of other co-accused persons, the documents of the car has been seized from co-accused Dinesh and further that

charge-sheet has been filed, there is no criminal antecedent registered against the applicant, the applicant is in jail since 17/12/2020, due to COVID-19 pandemic, conclusion of the trial is likely to take some time and there is no likelihood of the applicant tampering with the evidence or absconding, without commenting on the other merits of the case, I am inclined to allow this bail application.

8. Accordingly, the application is allowed.
9. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties each of Rs. 1,00,000/- to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:
 - (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) he shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
 - (iv) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this Court.

Sd/-
(Gautam Chourdiya)
Vacation Judge