

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 329 of 2021**

- Bahadur Singh S/o Shri Sher Singh Aged About 36 Years R/o Annapura Harda Ganesh Shankar Ward No. 11, Police Station Civil Line Tahsil And District Harda M. P. **---- Applicant**

Versus

- State Of Chhattisgarh Through Police Station Bastar District Bastar Jagdalpur Chhattisgarh **---- Respondent**

For Applicant	: Shri RS Patel, Advocate
For Respondent/State	: Shri BL Sahu, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

26.07.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 121 of 2020 registered at Police Station Bastar, Jagdalpur Chhattisgarh for commission of offense punishable under Section 20B of NDPS Act.
2. Case of the prosecution, in brief, is that, on the basis of secret information received by the Police on 30.07.2020 Police intercepted Car bearing No.MP47 CS-2580 on NH 30. During the search, 30.5 kgs contraband Ganza was recovered, which was kept in dicky of Car in plastic bag. Driver and occupants of Car, namely, Shajid Khan, Arjun Chakarde, Rakesh Dhurve and Rajendra Kumar Thakur were arrested on the spot. During the course of investigation with regard to ownership of Car, Police investigated Shajid Khan, registered owner of vehicle, but he stated that he sold the Car vide notarize sale agreement dated 02.08.2016 to the present applicant. Hence, applicant is apprehending his arrest in the instant crime and thereafter, proceedings have been initiated under Section 173(8) CrPC by Police in the instant crime.

3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Shri RS Patel, learned counsel for the applicant submits that applicant has been falsely implicated in the case. He was not travelling in the Car when the Police found alleged contraband Ganza transporting in the vehicle. Applicant is not registered owner of Car and one Shajid Khan is owner of Car, for which he has filed documents obtained by him on-line. He submits that as the applicant is neither found traveling in the Car nor he is registered owner of that vehicle, applicant may be enlarged on bail under Section 438 of CrPC.

5. On the other hand, Shri BL Sahu, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that during the course of investigation, statement of Shajid Khan was recorded under Section 161 of CrPC, who in his statement, stated that Car was sold to the applicant vide notarize sale Agreement dated 02.08.2016, hence, applicant is not entitled for anticipatory bail.

6. When specific query is made to learned counsel for the State with regard to whether name of present applicant was stated by accused persons, who were arrested on the spot, with regard to ownership of Car, he submits that there is no mention of name of present applicant in memorandum of co-accused persons, arrested on the spot.

7. I have heard learned counsel for the parties.

8. Taking into consideration nature of allegation, fact that Car is registered in name of Shajid Khan in records of MP Transport Department and further that co-accused persons have not named present applicant to be owner of Car, from which contraband Ganza was found being transported, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

9. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) That the applicant 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/her from disclosing such facts to the Court or to any Police Officer;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 803 of 2021

Bahadur Singh S/o Shri Sher Sing, Aged About 36 Years, R/o Annapura Harda Ganesh Shankar, Ward No. 11, Police Station -Civil Line, Tahsil and Distt – Harda, (Madhya Pradesh).

---- **Petitioner**

Versus

State of Chhattisgarh Through Police Station -Bastar, District- Bastar Jagdalpur (Chhattisgarh).

--- **Respondent**

For Applicants	:	Mr. R.S.Patel, Advocate.
For Respondent-State	:	Mr. Vimlesh Bajpai, GA.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

13/08/2021

1. Heard.
2. This petition has been filed under Section 482 of the Code of Criminal Procedure 1973 seeking correction in order dated 26.07.2021.
3. Learned counsel for the petitioner submits that petitioner has been granted anticipatory bail by this Court vide order dated 26.07.2021 in M.Cr.C(A). No.329/2021. However, due to typographical mistake, registration number of vehicle involved in crime has been wrongly typed as “MP-47-CS-2580” instead of “MP-47-CA-2580”. Hence, it is prayed that typographical error crept in the order may be corrected.
4. Learned counsel for the State has no objection.
5. Taking into consideration that registration number of vehicle mentioned in pleading in bail application and FIR, the fact that due to typographical error registration number of Car involved in instant crime has been wrongly mentioned in order dated 26.07.2021, it is ordered that registration number of Car shall be read as “MP-47-CA-2580” in place of “MP-47-CS-2580”.
6. A copy of this order be attached with the record of M.Cr.C.(A). No.329/2021.
7. Accordingly, petition stands disposed off.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-