

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1864 of 2021**

Sukadev Nayak S/o Khagpati Nayak Aged About 37 Years R/o Uldanpur,
Vyapariguda, District- Koraput (Orissa).

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station -
Bhanpuri, District - Bastar (Chhattisgarh).

---- Respondent

For the Applicant : Shri Achyut Tiwari, Advocate.
For the Respondent/State : Shri Sameer Uraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.85 of 2020, registered at Police Station – Bhanpuri, District – Bastar, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is a woman, he is in jail since 13.11.2020 and has been falsely implicated in this case. Neither this applicant was present on the spot where the seizure of contraband was made nor any of the co-accused persons have made any statement regarding the connection of the applicant. The only reason

appears to be present is this that some phone calls were made to the applicant by the co-accused persons which by itself is no evidence. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is only evidence to show that this applicant was a part in the conspiracy by which the contraband was being transported by the other co-accused persons. Therefore, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the police made seizure of 88.2 kg of cannabis from a car bearing registration No. C.G.-05 CB 2369, which was in the possession of the other co-accused persons.

6. Considered the submissions and the contents of the case-diary. The applicant has been arrested and detained on 13.11.2020 and also considering on the evidence that is proposed to be presented before the trial Court, I am of this view that in this case the applicant deserves to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge