

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.2083 of 2021**

- Deepak Patel @ Dilip Patel S/o Rajeshwar Patel, Aged About 21 Years
R/o Bhandaripara, Near Durga Chowk, Police Station, Tahsil And District
North Bastar Kanker (C.G.)

---- Petitioner**Versus**

- The State Of Chhattisgarh Through The Station House Officer, Police
Station Narthpur, District North Bastar Kanker (C.G.)

---- Respondent

For Applicant	:	Shri Amit Kumar Sahu, Advocate
For Respondent/State	:	Shri Jitendra Shukla, Panel Lawyer

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****06/08/2021**

Heard.

1. This is second bail application for grant of bail. Earlier bail application filed by the present applicant was dismissed as withdrawn on 11-12-2020.
2. The applicant has been arrested in connection with Crime No.134/2020 registered at Police Station-Naharpur, District North Bastar-Kanker (CG) for the alleged commission of offence under Section 20(B) of the NDPS Act.
3. Prosecution case is that the applicant is involved in this case along with co-accused on the allegation of he was found in possession of 19 KG of ganja.
4. Learned counsel for the applicant submits that the allegation against the the present applicant is that he was driving the motorcycle, but the ganja was found in possession of the co-accused, who is alleged to be sitting behind him. He would next submit that the seizure witness has been examined and he has not supported the prosecution case.
5. On the other hand, learned counsel for the State opposes the prayer for grant of bail by submitting that from the possession of the co-accused, who was

sitting behind the applicant, 19 KG of ganja was recovered. He would also submit that the applicant is equally involved in this case, because, he is driving the motorcycle and therefore, it is clear that he had full notice and knowledge that ganja was being transported by the co-accused along with him.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature and gravity of allegation against the applicant, I am not inclined to allow the bail application.

7. Accordingly, the bail application is rejected. However, in case, the trial is not completed within a period of four months, the applicant would be at liberty to revive his application.

Certified copy as per rules.

SD/-
(Manindra Mohan Shrivastava)
Judge