

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2458 of 2021

- Vinit Kumar Pandey, S/o Kanhaiya Pandey, Aged About 34 Years, R/o Maharana Pratap Ward, Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Kotwali, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Akhtar Hussain, Advocate.

For State/Non-applicant – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 08-04-2020 in connection with Crime No.455/2019 registered at Police Station – Kotwali, District Bastar, Chhattisgarh for the offence under Section 20 (B) (ii) (C) of the N.D.P.S. Act.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail since 08-04-2020. The only reason for implication of the applicant is this, that he is registered owner of the truck bearing registration No. CG 04 JA 4461, from which the contraband has been seized from the main accused and co-accused Bhagat Sethiya. The fact is this, that the truck although registered in the name of the applicant, but it was sold to co-accused Bhagat Sethiya before occurrence of the incident. Therefore, this applicant has no connection with the crime committed. Witnesses of search and seizure have been examined who have not supported the prosecution case. Hence, under these circumstances, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the submission made on behalf of the applicant is his

defence. After hostility of search and seizure witness, the statement of the I.O. becomes more important, hence, the prayer for bail may be considered after examination of the I.O.

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

5. According to the prosecution case, on the date of incident seizure of 650 kg. Cannabis was made from truck No. CG 04 JA 4461 which was in possession of Tulsiram Kashyap and Bhagat Sethiya. Name of the applicant has appeared in the case for the reason that he is registered owner and thus believed that he was conscious about illegal transportation of the contraband in his truck.

6. Considered on the submissions. Taking into consideration this fact that the witnesses of search and seizure have turned hostile and also that one co-accused Bhagat Sethiya has been granted bail by the coordinate Bench of this Court in MCRC No.1773 of 2021 vide order dated 17-03-2021, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge