

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2684 of 2021

- Suryakant Nag S/o Shambhulal Nag Aged About 36 Years R/o Main Road, Ward No. 12, Police Station Charama, District Kanker Chhattisgarh, Presently R/o Saraipali, Near Pwd Rest House District Mahasamund Chhattisgarh. ---- **Applicant**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Amanaka, District Raipur Chhattisgarh.

---- **Non-Applicant**

For Applicant:	: Shri Prafull N. Bharat appears along with Shri Vivek Shrivastava Advocate.
For the state/Non-Applicant:	: Smt. Savita Jain, G.A.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J
CAV Judgment order

26.05.2021

1. This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, who has been arrested on 17.12.2020, in connection with the Crime No.225/2020 registered at Police Station Amanaka, Raipur for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "the Act")
2. According to the prosecution, on the basis of the secret information received by the concerned police station that some persons are travelling in a Car bearing registration No. CG-06-GE-6006, while carrying Ganja with them, it was intercepted by the Police on 16.12.2020 and during the course of search, 11 Kg Ganja was recovered from present applicant Suryakant Nag, 5 Kg Ganja from the possession of the Dhirendra Mishra and 5 Kg

Ganja from one Umesh Manhira. Based on the said seizure of the contraband article, the applicant was arrested and instant crime has been registered against the applicant and the other co-accused persons for offence as mentioned herein above.

3. Learned counsel for the Applicant submits that the car on which the present applicant was travelling was intercepted on 16.12.2020 at about 21.50 hours, but Dehati Nalishi was prepared on 17.12.2020 at 17.30 hours. According to him, the applicant is innocent and has been falsely implicated in connection with the said crime and submits further while inviting attention to the order passed by the co-ordinate bench of this Court in MCRC No.1613/2021, that the other co-accused namely Dhirendra Mishra has already been granted bail on 25.03.2021, while other i.e., Umesh Manhira by the trial Court, therefore, the present applicant may also be released on bail.
4. On the other hand, learned counsel for the State has opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary carefully.
6. Taking into consideration the nature of allegation, quantity of Ganja seized from the possession of present applicant and further that he is not having any criminal past of similar offence, I am inclined to enlarge the applicant on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing a bail

bond in the sum of Rs.25,000/- (Rupees twenty Five Thousand Only) with one local surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- (a) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
- (b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- (c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Sanjay S.Agrawal)
VACATION JUDGE