

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2766 of 2021**

Pavitra Haldar, S/o. Pradeep Haldar, aged about 28 years, R/o. Village Adawal, Police Station Bodhghat, District Bastar Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station – Darbha, District Bastar Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Mr. Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/06/2021

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.38/2020, registered at Police Station – Darbha, District – Bastar (C.G.) for the offence punishable under Section 20 (b) (2-C), 29 & 63 of N.D.P.S. Act (Section 63 is also mentioned in final report).
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case for the reasons that this applicant is the registered owner of the motor cycle No. C.G.-17KR-8357. The co-accused persons namely Dhanraj Mandavi and

Tapan Kumar, who are acquainted with the applicant had borrowed his motor cycle for the purpose of trial before making purchase of the same. The motor cycle has been misused by the co-accused persons for which the applicant is not responsible. He is in jail since 16.03.2021. Therefore, it is prayed that the applicant may be released 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 evidence to show that this applicant had conspired with the other co-accused persons for commission of offence, therefore, the applicant is not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on the date of incident, the motor cycle bearing No.CG.-17KR-8357 was stopped, on which co-accused Dhanraj Mandavi and Tapan Kumar were riding carrying two plastic bags. On making search, 33 Kg. cannabis was seized from their possession. The applicant has been made accused in this case for the reason that he is the registered owner of the vehicle, which has been used by the co-accused persons.
6. Considered on the submissions and the facts of the case. Taking into consideration all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram