

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3348 of 2021**

Punidas Mahant S/o Roop Das Aged About 32 Years R/o Village Dongiya ,
Post Suloni, Police Station Malkharoda, District Janjgir Champa
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station
Pasan, District Korba Chhattisgarh.

---- Respondent

For the Applicant : Shri Yogesh Kumar Chandra, Advocate.
For the Respondent/State : Ms. Akshara Amit, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.08.2021**

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.40 of 2021, registered at Police Station – Pasan, District – Korba, 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 in jail since 24.4.2021. No seizure of contraband has been made from the possession of this applicant. The applicant has been falsely implicated in this case only on the basis of the memorandum statement given by co-accused – Ashok Burman, who has falsely implicated the name of this

applicant and the same is not an evidence admissible under law. 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 clear evidence regarding the involvement of this applicant in the transport of the huge commercial quantity of ganja and further, he has previous criminal antecedents. Hence, no case is made out for grant of bail to the applicant.

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

5. On the date of incident, a vehicle was stopped by the police personnel of police station Pasan, District Korba. Seeing the raiding party, some of the occupants of that vehicle absconded from the spot. One accused – Ashok Burman was apprehended and seizure of 83.100 kg of ganja was made from his possession. The name of this applicant has appeared in the memorandum statement of the co-accused.

6. Considered on the submissions and the facts present in this case. Apart from the statement of the co-accused there appears to be no evidence present against this applicant, therefore, I feel inclined to grant regular bail to the applicant.

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