

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 624 of 2021

Shivcharan Das Mahant S/o. Sahesh Das Mahant, aged about 30 years, Resident of Kulalikala, Thana Pali, District Korba (CG)

---- Appellant

Versus

State of Chhattisgarh Through Police Station Patthalgaon, District Jashpur (CG)

---- Respondent

with

CRA No. 625 of 2021

Shyamratan S/o. Barat Lal, aged about 45 years, resident of Sirmina, Thana Pasan, District Korba (CG)

---- Appellant

Versus

State of Chhattisgarh Through Police Station Patthalgaon, District Jashpur (CG)

---- Respondent

For the Appellants :- Mr. Vikas Pandey, Advocate

For the respondent :- Mr. Mateen Siddique, Dy. A G

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board

By Manindra Mohan Shrivastava, J.

04.08.2021

1. These appeals arise out of order dated 09.06.2021, by which the appellants' application for grant of bail have been rejected by the Special Judge (N.I.A.) Bilaspur, (CG).

2. Learned counsel for the appellants would argue that the appellants have been falsely implicated in the case. The memorandum of Shyamratan would show that another co-accused Sandeep Yadav had assured to financially support as and when Shyamratan is in financial stress. Therefore, in a financial stress, appellant Shyamratan requested Sandeep Yadav to provide financial aid and it was not known to him that what is being given to him by Sandeep Yadav also contains fake currency.

For appellant Shivcharan it has been argued that even according to memorandum of Shyamratan, Shivcharan accompanied him on his motorcycle but there is nothing in the statement of Shyamratan to disclose regarding collection of money from Sandeep Yadav, therefore, it is argued that mere receipt of some of the fake currency notes it cannot be presumed that the appellants were in conscious possession knowing that Sandeep Yadav has given fake currency notes for circulation in the market.

3. On the other hand, learned counsel for the State would submit that from the possession of the appellants who were found on the road, two bags were seized one each from the appellants and in those bags large number of fake currency notes were found which, *prima facie*, makes out a case and whatever the appellants are stating before this Court is nothing but their defence.
4. The learned Court below has rejected bail application mainly on the ground that large number of fake currency notes were seized from the possession of the appellants. It is not a case that very few numbers of currency notes were seized from the possession of the appellants so as to say that no *prima- facie* case under Section 389 B

is made out. From the possession of appellant Shyamratan bundle of papers of the size of currency notes were also seized. Therefore, in our opinion, learned Court below has not committed any illegality in rejecting the bail applications, no case is made out for interference in appeal against rejection and therefore, the applications are rejected and the appeals are dismissed.

5. This order would not come in the way of the appellants in repeating bail application on such grounds which may be available to them due to subsequent development.

Sd/-

Manindra Mohan Shrivastava
Judge

Sd/-

Vimla Singh Kapoor
Judge