

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4158 of 2021

- Vikas Acharya S/o Late Babulal Acharya, Aged About 24 Years, R/o M.P.M., 34 Kaalimela, District Malkaangiri, (Orrisa), District : Malkangiri, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nagarnaar, District Bastar, Jagdalpur Chhattisgarh, District : Bastar (Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Ashutosh Mishra, Advocate.

For Non-applicant/State – Smt. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-07-2021

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 10-11-2020 in connection with Crime No.101/2020 registered at P.S. - Nagarnaar, District Bastar, Jagdalpur, Chhattisgarh for the offence under Section 20 (B) [also mentioned in bail rejection order as 20 (B) (ii)(c)] of the N.D.P.S. Act, 1985.

2. It is submitted on behalf of the applicant, that the applicant is innocent and he has been falsely implicated in this case. There is no evidence of identification of the applicant as the person who was present in truck No. CG 17 H 3499 in which the contraband was being transported. The seizure of contraband has been made from co-accused Suman Haldhar. The only seizure that has been made from the possession of this applicant is one mobile phone. Therefore, there is no case present against this applicant. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the evidence of the witnesses present, this

applicant made his escape from the truck when the same was stopped in Dhanpunji Mandi Naka, therefore, there is evidence regarding presence of this applicant and his involvement in the transportation of the ganja. Hence, the application may be rejected.

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

5. On 23-06-2020 the police personnel of Police Station Nagarnar stopped truck No. CG 17 H 3499 and made seizure of 320 Kg. Ganja from accused Suman Haldhar. This applicant was later on arrested on 10-11-2020 on such statement of some of the witnesses that he was the person who made his escape at the time when the truck was searched and the seizure was made. Hence, this case.

6. Considered on the submissions. As it is clear that seizure of the contraband has not been made from the possession of this applicant and also taking into consideration other facts and circumstances present, 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