

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4277 of 2021**

- Juganu @ Rajesh Kumar Baghel S/o Heera Ram Baghel Aged About 20 Years R/o Village Girbi, Police Station Rajendra Gram, District Anuppur (M.P.).

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gaurela, District Gaurela Pendra Marwahi Chhattisgarh (Wrongly Mentioned As District Bilaspur In The Order Sheet).

---- Respondent

MCRC No. 4278 of 2021

- Vijay Lal Singh Banjara S/o Mokam Singh Banjara Aged About 21 Years R/o Village Girbi, Police Station Rajendra Gram, District Anuppur Madhya Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gaurela, District Gaurela Pendra Marwahi Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Ashok Soni, Advocate
For Respondent-State	:-	Mr. Arjit Tiwari, PL

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag.CJ**
Order On Board

04/08/2021

1. Since both the bail applications are arising out of same crime they are being heard and decided by this common order.
2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime No.186/2021 registered in Police Station Gaurela, District Gaurela Pendra- Marwahi C.G. for the offence punishable under Section 20-B of the NDPS Act.
3. Present applicants were traveling in a Bolero pickup four wheeler vehicle bearing registration No. CG10- AJ/1676 when the same was intercepted by the Police on 29.5.2021, 390 kg of ganja was recovered. While 370 kg of ganja was recovered from the possession of Vijay Lal Singh, the remaining quantity was recovered from Juganu @ Rajesh Kumar Baghel. The ganja was concealed under a carton carrying mangoes.
4. Learned counsel for the applicant would argue that applicant Juganu @ Rajesh Kumar Baghel from whose possession 20 kg was recovered was a Khalasi of the vehicle, therefore, he is not at all involved in illicit possession of ganja.
5. Learned State counsel would oppose the prayer for grant of

bail.

6. Whopping quantity of ganja has been recovered from the possession of accused persons, even from Juganu @ Rajesh Kumar Baghel 20 kg of ganja has been recovered which is a commercial quantity. Defence of the accused cannot be examined at this stage. If an accused is in illicit possession of commercial quantity of ganja, the restrictions on exercise of jurisdiction for grant of bail as provided under Section 37 of the NDPS Act would apply, therefore, in the absence of any such material pointed out by the accused proving their *prima facie* innocence or as to why the present case is false, I am not inclined to release the applicants on bail.

7. Accordingly, both the bail applications deserves to be and is hereby dismissed.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

Ayushi