

HIGH COURT of CHHATTISGARH, BILASPUR

MCRCA No. 816 of 2021

- Anil Singh S/o Mahendra Singh aged about 27 years R/o Chokhara Chamdiya Tah. Vyudhar, District Rewa M.P.

-----Appellant

VERSUS

- State of Chhattisgarh through: S.H.O. P.S. Nagarnaar, District Jagdalpur, Chhattisgarh

-----Non-applicant

For Appellant	:	Mr. Waquar Naiyer, Advocate
For Non-applicant/ State	:	Mr. Roshan Dubey, P.L.

(proceedings through video conferencing)

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

17/08/2021

1. Applicant has filed this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 17/21 registered at police station Nagarnaar, District Jagdalpur, Chhattisgarh for offence punishable under Section 20(B)(ii)(C) of NDPS Act.
2. Case of the prosecution is, that on 28.01.2021, police received a secret information that some persons are transporting illicit contraband ganja in a car bearing registration no. CG04 HW 0034. On the basis of said information, police tried to intercept the car, upon which, the driver of the car left the car on the way and fled away from the spot along with keys of the car. On search of the car, police recovered 7 packets of ganja measuring 35 kgs. Based on the recovery of contraband ganja being transported in the car, instant crime is registered. During the course of investigation, present applicant was found to be owner of the car.

3. Mr. Waquar Naiyer, learned counsel for the applicant submits that applicant has been implicated in the case only because he is the registered owner of car on which the contraband ganja was found to be transported, at that relevant point of time, he was not driving the car nor travelling as occupant in the car but it is being driven by its driver engaged by him, hence, applicant may be enlarged on anticipatory bail.
4. On the other hand, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that huge quantity of contraband ganja has been recovered from the car by the police during searching of the vehicle, driver fled away from the spot leaving the car. During the course of investigation, it is revealed that car is registered in name of applicant.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation, the fact that there is no pleading and mentioning of the name of driver before the Court below as well as in the application filed for grant of anticipatory bail before this Court, I do not find it a fit case to enlarge the applicant on anticipatory bail.
7. Accordingly, application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge