

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 790 of 2021**

- Omendra Sharma, S/o Ramchandra Sharma, Aged About 23 Years, R/o Eco Colony, Puraina Dhal, Tahsil Aunala, District - Bareilly (U.P.)

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station Sarkanda, District - Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Shri GVK Rao, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

04.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 269 of 2021 registered at Police Station Sarkanda (Chakarbhatta, wrongly mentioned in the order), District Bilaspur Chhattisgarh for commission of offense punishable under Section 20B of NDPS Act.
2. Case of the prosecution, in brief, is that, Police, based on secret information received by them on 01.03.2021, at about 10.25 pm, intercepted a Car bearing No.UP 25 CE 1445. Upon looking to Police, Driver of Car tried to escape but dashed with HYWA Truck bearing No.CG 10C-1058 and met with an accident. Two occupants of Car also tried to escape from the spot, but Naveen Kumar Rai was caught by the Police and other persons succeeded in fleeing away from the spot. Upon search, Police recovered 32 packets of contraband Ganja, weighing 17.900 kg. On the basis of above incident, crime was registered against Naveen Kumar Rai and present applicant.
3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri GVK Rao, learned counsel for the applicant submits that present applicant was not found on the spot. He has been arrayed as accused, only on the basis of memorandum statement of co-accused Naveen Kumar Rai, to whom present applicant has sold his Car vide notarized Agreement dated 10.12.2020, by which some accident took place on 01.03.2021. He further submits that present applicant is implicated in a false and frivolous case and may be enlarged on bail under Section 438 of CrPC.

5. On the other hand, Ms Anjali Singh Chouhan, learned State counsel while opposing the submission of learned counsel for the applicant, submits that as per case of prosecution, two persons were travelling in Car and upon interception by Police, Driver of Car while escaping, met with an accident. Naveen Kumar Rai was arrested from the spot, while applicant fled away from the spot. She also submits that present applicant is registered owner of Car, by which contraband Ganja was illegally being transported.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against the applicant, the fact that person who was arrested on the spot ie Naveen Kumar Rai has named present applicant to be the person, who fled away from the spot, he is registered owner of the Car, I do not find it a fit case to enlarge present applicant on bail. Accordingly, bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE