

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5015 of 2021

- Ratan Das S/o Tapan Das, Aged About 23 Years, R/o Village M.V. 37 Tarlakuta, Thana - Orkel, District - Malkangiri (Odisha)., District : Malkangiri *, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Pusal, District - Sukma Chhattisgarh., District : Sukma, Chhattisgarh

----Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2021

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 17-06-2021 in connection with Crime No.01/2020 registered at P.S. - Pusal, District - Sukma, Chhattisgarh for the offence under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 17-06-2021. The applicant has no connection with the offence committed under Section 20(C) of the N.D.P.S. Act. He has been arrayed as an accused only on the basis that he is registered owner of the vehicle bearing registration No.OD-10D-112. The facts is this, that this vehicle was stolen from the possession of this applicant on 27-01-2020. The applicant then attempted to lodge the FIR in the police station, but the same was not recorded, because of which he filed application under Section 156(3) of the Cr.P.C. before the Court of Judicial Magistrate First Class. Then, by orders of the Court the FIR has been registered on 19-03-2020 against unknown person regarding the theft of the vehicle of this applicant. Therefore,

there is no case present against this applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that huge quantity of ganja has been seized from the vehicle owned by this applicant. Therefore, it is a case of commercial quantity of ganja. Hence, the application may be rejected.

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

5. According to the prosecution case, on 02-02-2020 police personnel of P.S. Pusal, District – Sukma made a seizure of 186.22 kg. ganja from an abandoned pick up vehicle having registration No. OD-10D-112. During the investigation name of this applicant was disclosed as being registered owner of the vehicle, because of which he has been arrested in this case.

6. Considered on the submissions. Looking to the evidence present which is proposed against this applicant for prosecution in this case and that the seizure of contraband was not made direct from the possession of this applicant and also the submission regarding the applicant's stand that the vehicle was stolen from his possession, 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