

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5337 of 2021**

Tulsiram Kashyap, S/o Padman @ Padamnath, Aged About 30 Years Caste - Panka, Age - 30 Years, R/o - House No. 172 / K, Dukraan, Tongopara Sonpur, Tahsil - Bakavand, District - Bastar Chhattisgarh (Wrongly Mentioned As Togopara,) Solanpur In Annexure - A/1. Presently Resident In - Kosmi, Tahsil - Bakavanda District Bastar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through - Police Station Kotwali, District - Bastar Chhattisgarh.

---- Respondent

For the Applicant : Shri Ramsajiwan, Advocate.
For the Respondent/State : Ms. Akshara Amit, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.09.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.455 of 2019, registered at Police Station – Kotwali, District – Bastar, Chhattisgarh for the offence punishable under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 9.3.2020 and has been falsely implicated in this case. The applicant has been arrested in this case only for the reason that he is the owner of the vehicle bearing registration No.C.G.04 J.A.4461 on which the contraband was being transported otherwise, there is no evidence present against him

and no seizure of contraband has been made from his possession. The co-accused, namely, Vinit Kumar Pandey has been granted bail by this Court and the applicant is similarly placed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that 650 kg of ganja was seized from the possession of this applicant, which is more than commercial quantity. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, on the date of incident, seizure of 650 kg of ganja (narcotic substance) was made from co-accused – Bhagat Sethiya, who was found traveling in the truck bearing registration No. C.G. 04 JA 4461. The co-accused has made a statement on the memorandum that this applicant was also present on the spot, who ran away at the time when the police approached to search the vehicle.

6. Considered on the submissions. As the seizure of contraband has not been made from the possession of this applicant and the co-accused person has been granted regular bail by this Court, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge