

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 06-01-2021Order delivered on 08-01-2021**MCRC No. 6265 of 2020**

1. Neeraj Kumar Jha S/o Shri Kamlesh Kumar Jha Aged About 23 Years R/o House No. 442, Badankala, P. S. Goraghat, District Datia M. P.
2. Vinod Rawat S/o Shri Arvind Rawat Aged About 20 Years R/o Goraghat, P. S. Goraghat, District Datia M. P.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Nagarnar, District Jagalpur Chhattisgarh

---- Respondent

For Applicant :- Mr. Ashok Kumar Komra, Advocate
For Respondent /State :- Mr. Ayaz Naved, G.A.

Hon'ble Mr. Justice Prashant Kumar Mishra**CAV Order**

1. Heard.
2. The applicants have preferred this first bail application under Section 439 of CrPC, as they are arrested in connection with Crime No.126/2020, registered at Police Station Nagarnar, District- Jagdalpur for the offence punishable under Section 20(B) (II) (C) of the NDPS Act.
3. While traveling in truck bearing registration No.MP-09-HH-7142, the accused persons were found in joint illicit possession of 22 kgs. of ganja on 5-8-2020.

4. Learned counsel for the applicants would submit that the applicants are young boys and were engaged in transportation of potato from Agra (UP) to Jagdalpur. When on the fateful day, they were going to Odisha for delivery of ginger, the police stopped them for the purpose of checking and they have been falsely accused of carrying ganja, despite the fact nothing has been found in the vehicle.
5. On the other hand, learned counsel for the State would oppose the bail application. According to him, provisions contained in Section 37 of the NDPS Act would apply because the applicants were found in joint illicit possession of more than the commercial quantity of ganja.
6. Having considered the material available in the case diary and having found that the applicants were found to be in joint illicit possession of ganja weighing 22 kgs., which is more than the commercial quantity, I am not inclined to grant bail to the applicants.
7. Accordingly, the bail application is rejected.

SD/-

(Prashant Kumar Mishra)
Judge

Gowri