

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1146 of 2021

Saajan Yadav S/o Ramanand Yadav Aged About 27 Years
 R/o Village Pendri, Ward No. 20, Police Station Lalbagh,
 Rajnandgaon, Tahsil and District Rajnandgaon,
 Chhattisgarh.

---- Applicant

Versus

Directorate of Revenue Through Deputy Director
 Intelligence (DRI) Regional Unit, 30, Panchasheel Nagar,
 Civil Lines, Raipur, Chhattisgarh- 492001.

---- Non-applicant

 For Applicant : Shri Aditya Bhardwaj, Advocate

For Non-applicant : Shri Ramakant Mishra, Asst. Solicitor General

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

20.09.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No. 40 of 2020 registered at Police Station Directorate of Revenue through Deputy Director, Intelligence (DRI) Regional Unit 30, Panchsheel Nagar, Civil Lines, Raipur, Chhattisgarh 492001 for offence punishable under Sections 20(c), 29 of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that, on 11.12.2020 D.R.I. Raipur received a secret information that in container loaded in Truck bearing No.C.G.08/L-3166, illicit contraband Ganja is being transported. Based on the secret information, Truck

was intercepted near Abhanpur and during search, recovered 697.255 Kg. of Ganja from joint possession of Vikas Kumar Rai, Pankaj Kumar Rai and Amrit Sahu. Based on aforementioned recovery of the illicit Ganja, aforementioned crime was registered against five persons including present applicant.

3. Shri Aditya Bhardwaj, learned counsel for the applicant would submit that applicant was not found and arrested along with illicit Ganja, it was being transported by employee of applicant illegally without knowledge. The applicant being owner of Truck, on which, illicit Ganja was being transported has been made accused in this case. He further pointed out that on similar allegation, brother of applicant, by name, Pawan Yadav was enlarged on regular bail in MCRC No.9301 of 2020 vide order dated 14.07.2021, hence applicant may also enlarged on anticipatory bail.
4. Per contra, Shri Ramakant Mishra, learned counsel for non-applicant opposing the submissions made by learned counsel for the applicant, would submit that there is involvement of applicant in commission of aforementioned crime. He submits that Vikas Kumar Rai, Pankaj Kumar Rai and Amrit Sahu who are employees of applicant in their statements have specifically stated that Ganja is being transported on the

instructions/directions of the applicant, hence, applicant is not entitled for the benefit under Section 438 of Cr.P.C.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations as well as statements of co-accused Vikas Kumar Rai and Pankaj Kumar Rai, I do not find it to be a fit case to enlarge the applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge