

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6837 of 2021

- Khemraj Nagesh S/o Chamsingh Nagesh, Aged About 28 Years, R/o Village Naik Para Duganpal, Thana-Bastar District- Bastar (C.G.), District : Bastar (Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station - Bastar, District - Bastar (C.G.), District : Bastar (Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 05-03-2020 in connection with Crime No.40/2020 registered at P.S. - Bastar, District - Bastar, Chhattisgarh for the offence under Section 20(b)ii(c) of the Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application MCRC No.6067 of 2021 was dismissed as withdrawn on 13-08-2021. Learned counsel for the applicant submits that the applicant has been falsely implicated. He is in jail since 05-03-2020. No seizure of contraband has been made from the possession of this applicant. This applicant has been made accused only on the basis of the memorandum statement given by co-accused Pilaram. 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 this applicant was present in the bus along with co-accused Pilaram and in possession of the contraband, this applicant fled from the spot on seeing the police approaching for making search, this is also his admission in his own memorandum statement. Therefore, this applicant is not entitled for grant of bail.

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

5. According to the prosecution case, on the date of incident police personnel of Police Station Bastar, District Bastar stopped a bus and made search and co-accused Pilaram was found in possession of 28 kg. Ganja which was seized accordingly. Co-accused Pilaram made a disclosure in his memorandum statement that this applicant was also present in the bus along with him and they were transporting the Ganja. Hence, this case.

6. Considered on the submissions. As there is no seizure of the contraband from the possession of this applicant and there appears to be no previous criminal history of this applicant, therefore, 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