

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1212 of 2021**

- Dhaneshwar Chandra @ Baratu Chandra S/o Dashrath Chandra aged about 24 Years R/o Village Bodsara, Police Station Jaijaipur, Tahsil Jaijaipur, District Janjgir Champa Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh through: the Station House Officer, Police Station Pasan, District Korba, Chhattisgarh

-----Non-applicant

For Applicant : Mr. Basant Kaiwartya, Advocate
 For Non-applicant- State : Mr. Sudheer Sahu, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****06/10/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 40/2021 registered at Police Station Pasan, District Korba (C.G.) for the offence punishable under Section 20(b) of NDPS Act.
2. Case of the prosecution in brief, is that, on 10.04.2021, based on the secret information, police intercepted one Mahindra Bolero vehicle bearing registration number CG11 MA 4483. During the search of vehicle, police seized 83.100 Kgs of contraband ganja. On spot Ashok Burman was arrested. During the course of investigation, his memorandum statement was recorded in which he mentioned the name of one Punidas Mahant to be co-accused in commission of crime along with Varun Chandra, Daulat Kewat, Vijay Yadav, Arjun Bhardwaj, Baratu Chandra and Rahul Singhaniya. Based on the memorandum statement of Ashok Burman, Punidas Mahant was

arrested and he, in his memorandum statement, named present applicant to be one of the co-accused, based on which applicant is also implicated in the crime.

3. Mr. Basant Kaiwartya, learned counsel for the applicant would submit that the co-accused Ashok Burman who was found on the spot during the search of vehicle and arrested, has not named the applicant to be co-accused in the crime, he named Punidas Mahant to be one of the accused and in the memorandum statement of Punidas, applicant is named. There is no involvement of applicant in commission of crime but he has been falsely implicated in the crime, hence, applicant may be enlarged on anticipatory bail. He also submits that the applicant is having no criminal antecedent of similar nature against him.
4. On the other hand, Mr. Sudheer Sahu, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that Ashok Burman was arrested from the spot along with illegal contraband ganja transporting in vehicle. He named Punidas Mahant as one of the co-accused and in the memorandum statement of Punidas Mahant, applicant's name was mentioned, hence, involvement of applicant in commission of crime is very much there.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, nature of allegations, material collected by the police during the course of investigation; applicant has been made accused based on the memorandum statement of Punidas Mahant who was named in the memorandum statement of Ashok Burman, also applicant is having no criminal antecedent against him as submitted by learned State counsel after verifying from the case diary, without commenting anything on merits of the case, I am

inclined to allow this bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (40/2021), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Parth Prateem Sahu)

Judge