

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 1297 of 2021**

- Puranmal Sharma S/o Mansharam Sharma Aged About 53 Years R/o Sharma Tent House, Near City Kotwali, Tahsil Raigarh, District Raigarh (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Saria, District - Raigarh (Chhattisgarh)

---- Respondent

For Applicant : Dr. NK Shukla, Sr. Advocate with Shri
Arjit Tiwari and Ku. Deepa Jha, Advocates
For respondent/State : Shri Dinesh Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****17.11.2021.**

1. The applicant has preferred this bail application under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the CrPC') for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.209/2021 registered at Police Station Saria, Raigarh Distt. Raigarh (CG) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Brief facts of the case are that on 22.9.2021, the police of Police Station Saria, Distt. Raigarh received secret information that the driver and the conductor of Maharaja Bus bearing registration No. CG 04 FC 3774 are illegally transporting contraband article Ganja from Orissa to Saria for sale. On the

basis of said information, the police conducted raid on the said bus and seized 03 kg of ganja from bus driver Golden Chounan and conductor Sadanand Chouhan and first information report was registered against the driver, conductor and owner of the said bus namely Puranmal Sharma, who is present applicant. Allegation against the present applicant is that on his instruction, the driver and the conductor of the said bus have transported the illegal ganja.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the above crime. He is not only owner of the said bus, he has several buses plying in Raigarh area, hence, there is no chance that the applicant would involve in such crime. He further submits that the applicant was not present at the spot at the time of the incident, he has been arrayed as accused only on the basis of memorandum statement of co-accused persons, whom he could not cross-examine with regard to their statement in view of Section 27 of the Evidence Act. He further submits that no any seizure has been made from the possession of the present applicant. The quantity of alleged seized contraband article ganja was very much less than the commercial quantity. He is the permanent resident of Distt. Raigarh, there is no chance of absconding of the applicant, therefore, he may be granted anticipatory bail.

4. On the other hand, learned counsel for the State opposes the bail application for grant of anticipatory bail submitting that

present applicant who is the owner of the said bus has played an active role in the crime in question and under his instructions, the driver and the conductor of the said bus have transported the contraband article ganja from Orissa to Saria for sale. The driver and conductor of the said bus, in their memorandum, have clearly stated that it is the present applicant who had given them 03 kg ganja in a bag to deliver the same in Saria. Therefore, the applicant is not entitled for grant of anticipatory bail.

5. I have heard learned counsel for both parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature of allegation and quantity of contraband article seized and role of the applicant in the present case and also taking into consideration that name of applicant has been involved in the present case on the basis of memorandum of the main accused persons, I feel inclined to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed and it is ordered that in the event of arrest of the applicant in connection with aforesaid offence, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond or Rs.50,000/- with two sureties of the like sum to the satisfaction of the officer arresting him. The applicant shall also abide by the following conditions:-

(i) that he shall make himself available for interrogation before the investigation officer as and when required;

(ii) that he 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 any police officer.

(iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial:

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE