

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8279 of 2021**

Rabendra Singh S/o Rohini Singh Aged About 36 Years R/o Village Kotwarpara, Benoor, Thana Narayanpur District Narayanpur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Bodhghat, District Bastar Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent/State : Mr. Aman Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/11/2021**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.208/2021, registered at Police Station – Bodhghat, District Bastar (C.G.) for the offence punishable under Section 279 of the Indian Penal Code and Section 20-(B) ii (c) of N.D.P.S. Act. The first bail application of the applicant M.Cr.C. No. 6594 of 2021 was dismissed as withdrawn vide order dated 06.09.2021 with liberty to file repeat application after filing of the charge-sheet.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 12.07.2021. No seizure of contraband has been made from the possession of this applicant. He has been arrayed as an accused only for the reason that he is the registered owner of the vehicle from which, the contraband was seized. Hence, it is prayed that the

applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that huge quantity of contraband has been seized from the vehicle, which belonged to this applicant, therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 72 Kg Ganja was seized from a vehicle, which was left abandoned. Later on, the applicant has been arrested as he is the owner of the said vehicle.
6. Considered on the submissions. Considering that there is no direct seizure of contraband from the possession of this applicant, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge