

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9301 of 2020

- Pawan Yadav, Son Of Ramanand Yadav, Aged About 35 Years, Resident of Village Pendri, Ward No. 19, Rajnandgaon, District Rajnandgaon (Chhattisgarh) (Ward No. 18 Wrongly Mention in Order Sheet), District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh And Another Through Station House Officer, Police Station D.R.I. Raipur Regional Unit, District Raipur (Chhattisgarh).
2. Directorate of Revenue Through Deputy Director, Intelligence (DRI) Regional Unit, 30, Panchasheel Nagar, Civil Lines Raipur Chhattisgarh 492001

---- Respondents

For Applicant	: Ms. Sharmila Singhai. Sr. Adv. With Mr. Mohit Kumar, Advocate.
For respondent No2-D.R.I.	: Mr. Ramakant Mishra, Assit.S.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/07/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.40/2020 registered at Police-Station-D.R.I. Raipur Regional Unit, District-Raipur(C.G.) for the offence punishable under Section 8(c)/20b(ii)(c)of the NDPS Act.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case only for the reason that he is the brother of truck owner Sajan Yadav and on the basis of the memorandum statements given by the co-accused persons. Apart from that there is no evidence present to show involvement of this applicant in the crime committed., hence, it is prayed that the applicant may be enlarged on regular bail.
3. On the other hand, learned Assit.S.G. for D.R.I. opposes the bail application and the submission made in this respect. It is submitted that the applicant has a criminal history, who is himself owner of trucks and he has provided trucks for smuggling of cannabis to other States regarding which there is statement of the co-accused persons on memorandum. Therefore, the applicant is part of the racket, which is engaged in smuggling of cannabis from the State, hence, 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 prosecution case, on 11.12.2020 D.R.I., Raipur made a search of truck No.C.G.08/L-3166, in which, 680.492kg cannabis was found concealed in chamber. Seizure was made from the co-accused persons namely-Vikash Kumar Rai, Pankaj Kumar Rai and Amrit Sahu jointly. During investigation, it has been revealed in the memorandum statement of the co-accused persons, that the truck seized was owned by Sajan Yadav, the brother of the applicant and that the applicant was also earlier engaged in smuggling of cannabis by providing his own trucks. Hence, this case.

6. Considered on the submissions. In the present case neither the vehicle has been provided by this applicant nor the seizure has been made from the applicant. As regards the history of this applicant which is mentioned in the memorandum statement of the co-accused persons, that appears to be different case and thus, not a part of this crime under investigation. Hence, under these circumstances, the submissions made by the applicant counsel have force which cannot be disregarded, therefore, I feel inclined to allow this bail application and release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha