

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.139 of 2021

Nilesh Kumar Gupta, S/o Shankar Lal Gupta, Caste Bhuj, aged about 23 years, R/o Ganeshganj, Near Vegetable Market, Mirjapur, Uttar Pradesh, District Mirjapur (Uttar Pradesh)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Police Station Bastar, District Bastar (C.G.)
---- Non-applicant

For Applicant: Mr. Pawan Kumar Kashyap, Advocate.
For Non-applicant: Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/03/2021

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.20/2020, registered at Police Station Bastar, Distt. Bastar, for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application was dismissed as withdrawn on 31-8-2020.
3. Case of the prosecution, in brief, is that total 326.900 Kgs. of Ganja was seized from the joint possession of the present accused / applicant and two other co-accused persons and thereby the applicant has committed the aforesaid offence.

4. Learned counsel for the applicant submits that this is the second bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence, he has falsely been implicated in the case, he has been arrested on 11-2-2020 and since then he is in jail, therefore, he may be released on bail. He further submits that the applicant is only driver of the vehicle from where the contraband article Ganja was seized.
5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel appearing for the parties.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and admittedly, that the quantity of Ganja seized is more than commercial quantity and in view of the provisions contained in Section 37(1)(b) of the NDPS Act, I am not inclined to grant bail to the applicant. The application is therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge