

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9320 of 2020

- Purushottam Khobragade S/o Shri Prakash Khobragade, aged about 39 years R/o P.N. 120, Umarred Road, N.R. New Jeeja Matanagar, Bahadura, Bhirgaon, District Nagpur (M.H.).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nagarnar, District Bastar Place Jagdalpur (C.G.)

---- Respondent

For Applicant	:	Mr. Vinod Kumar Tekam, Advocate
For Respondent/State	:	Ms. Hamida Siddique, Dy. Adv. General

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/06/2021

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. 98/2020 registered at Police – Nagarhar, Civil and Revenue District Bastar Place Jagdalpur (C.G.) for the offence punishable under Sections 20 (B) (ii) (C) and 29 of the NDPS Act.
2. It is submitted that the applicant has been falsely implicated in this case. The applicant was not present on the spot when the seizure of contraband was made. Through the applicant is registered owner of the said vehicle from which the seizure was made, the vehicle had been obtained on hire by co-accused Chetansuresh before the incident

has occurred. There is no criminal antecedent against the applicant, he is in jail since 29/10/2020 and charge-sheet has been filed, hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant is registered owner of the vehicle from which the contraband was seized, therefore, there is clear evidence against the applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, seizure of 205 kilograms of cannabis was made from a truck bearing registration No. MH40 BL 6844 wherein co-accused Moh. Riyaz and Chetan Suresh was present. Though the applicant happened to be the registered owner of the said vehicle, he was not present on the spot.
6. Considered on the submissions and looking to the evidence adduced by the prosecution against the applicant, I feel inclined to allow the application of this applicant.
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