

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 502 of 2021

1. Harshwardhan Sharma S/o Sanjay Sharma Aged About 26 Years R/o House No. 34/A, Sector 1, Bajaj Colony, Police Station New Rajendra Nagar, District Raipur Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station New Rajendra Nagar, District Raipur (Chhattisgarh)

---- Respondent

For Applicant :

- Shri Devershi Thakur, Advocate

For Respondent /State :

- Shri Alok Bakshi, Addl. Advocate General & Shri Vivek Ranjan Tiwari, Addl. Advocate General.

Investing Officer :

- Shri Siddharth Mishra, Investigating Officer, Police Station New Rajendra Nagar, Raipur, is also present.

Order On BoardByPrashant Kumar Mishra, J.29-01-2021

1. Heard.

2. The applicant has preferred this bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.309/2020, registered at Police Station New Rajendra Nagar, Raipur (CG), for the offence punishable under Sections 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the Act').
3. As per the prosecution case, the concerned police of Police Station New Rajendra Nagar, Raipur, received a secret information at 15.00 hours on 9-12-2020 that the present applicant and co-accused Lakhpreet Kaur have kept cocaine inside the vehicle in the house of the present applicant. After completing the necessary mandatory formalities under Sections 42 & 50 of the Act search was conducted in which the applicant was found in possession of 3.62 gms. of cocaine whereas co-accused Lakhpreet Kaur was also found to be in illicit possession of 3.38 gms. of cocaine.
4. Learned counsel appearing for the applicant has argued that the applicant has been falsely implicated because his mother has lodged a complaint against the local police for having allowing consumption of drugs and other nefarious criminal activities in the Queens Club of India, Raipur.
5. Learned counsel for the State, *per contra*, would submit that the applicant is a habitual offender as nine more cases of different nature have been registered against him at different police stations of Raipur and his name finds place in the list of *Gunda Badmash* [गुंडा बदमाश] maintained by the office of the Senior Superintendent of Police, Raipur. Learned counsel would also submit that the investigation is still going on and the charge sheet is yet to be filed.

6. I have heard learned counsels appearing for the parties at length and perused the case diary.
7. *Prima facie* there appears compliance of the mandatory provisions under the Act before and at the time carrying of search and seizure operation. The applicant is a habitual offender, therefore, even if less than commercial quantity of cocaine has been recovered from him and the investigation is still in progress, this Court is not inclined to grant bail to the applicant. It is also to bear in mind that the present applicant is also an accused in Cr.No.232 of 2020.
8. Accordingly, the bail application is rejected.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri