

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4931 of 2023**

- Tikaram Patel S/o Shri Prem Patel Aged About 37 Years R/o Village Barkheda Khuman Police Station Kent Sagar Tahsil And District Sagar (M.P.).

---- Applicant**Versus**

- State of Chhattisgarh, Through: S.H.O. Out Post Dongripali, District Sarangarh - Bilaigarh (C.G.).

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Adv.
For Respondent/State	:	Mr. Shreshth Gupta, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****31/08/2023**

1. The accused/applicant has moved this **first** bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 19/2023 registered at Police Station – Dongripali, District – Sarangarh-Bilaigarh (C.G.) for the offence punishable under Section 20(B) of NDPS Act.
2. As per the prosecution case, on 05.04.2023 police received information from the informant that some person brought contraband article Ganja in Mahindra Bolero Vehicle bearing No. MP-04-TA-1933 from Sohela, Odisha to Baramkela, on the basis of said information the vehicle was intercepted and inside the vehicle Ajay Kumar Singh and Anirudha Chandrasoriya have been found and from their possession, 110 packets total of 110 Kg contraband Ganja have been seized and it is alleged that the present applicant is the owner of the said vehicle. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He next submits that the applicant has not been directly or indirectly involved in the alleged commission of the offence, the applicant has not been arrested from

the spot and his mobile has been taken by the co-accused persons for the commission of the offence for which the applicant has reported the matter to Police Station Sagar. He further submits that the applicant has given his vehicle to the co-accused persons on rent and was not aware of the fact and after knowing the fact he reported the matter to the police of Sagar (M.P.) but the FIR was not lodged on his matter. He also submits that the applicant is in jail since 09.06.2023, and there is no likelihood of his case being decided in the near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the applicant is the owner of the said vehicle in which 110 Kg of contraband Ganja was seized. He also submits that the applicant was in contact with the co-accused persons during the commission of the offence and after the contraband was seized the applicant reported it to the police of Sagar (M.P.) on 07.04.2023, and also charge sheet has not been filed yet, therefore, the applicant may not be enlarged on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the entire facts and circumstances of the case, particularly taking note of the quantity of seized contraband Gaja which was seized from the vehicle of the applicant and also considering the fact that charge sheet has not been filed yet and under Section 37 of the NDPS Act, it cannot be presumed that the applicant is not guilty of the said offence, at this stage, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Sanjay Kumar Jaiswal)
Judge