



2020 YLR 1429, 2018 Cr. L.J. Note 94, 2019 Cr.L.J Note 134, 2010 MLD 1908, 2012 YLR 1015, 20196 MLD 1929.

4. Learned DPG vehemently opposed the bail application and contended that there was sufficient material on record to connect the applicant to the offense for which he has been charged; that the applicant was all alone present in the Rickshaw, driving the same and no other person was sitting with him, which transpires his direct involvement in the alleged offence and that huge quantity of narcotics has been recovered from the Rickshaw being driven by applicant at the relevant time; that no enmity or ill-will has been pointed out against the police officials to falsely implicate him in this heinous offence; that he was also involved in the same like case which is pending before the competent Court of law as such in this view of the matter the applicant is not entitled to the concession of bail.

4. Heard and perused record.

5. According to prosecution case, the applicant was caught red handed with a huge amount of charas; that such a large quantity of charas was unlikely to have been foisted on him especially as there is no allegation of any enmity or ill-will between the applicant and the police officials who arrested him; the applicant was driving the Rickshaw wherefrom huge quantity of narcotics i.e. 6000 grams charas have been recovered; that applicant was all alone present in the vehicle and no other person was sitting with him, which suggests his involvement in the alleged crime and the argument of learned counsel that the applicant was unaware of the presence of the narcotics is a question which could only be dealt after recording of the evidence; that applicant being driver of the Rickshaw was required to know each and every thing about it being sole incharge thereof; that the chemical report is also positive. The applicant is also involved in a similar nature of offence which is pending adjudication before competent Court of law; that in the case of Socha Gul v. The State (SCMR 2015 1077), it was held that bail should be granted sparingly in narcotics cases bearing in mind Section 51 of the Control of Narcotic Substances Act, 1997 and the fact that as per Socha

Gul's case (Supra) the offense is a crime against society. With regard to the non-association of private persons, Section 25 of the CNSA exempted their presence in narcotics cases even otherwise the evidence of police officials is as good as any other citizen. Applicant's claim of false implication is an issue that cannot be attended without going beyond the scope of tentative assessment, a venture prohibited by law. In my view prima facie, there is sufficient material on record to connect the applicant with the commission of the offense

6. With regard to the case law relied upon by the learned counsel for the applicant/accused, it is germane to say that in criminal administration of justice; each case is to be decided on its' own peculiar facts and circumstances, therefore, by examination of the above case law, it is manifest that facts and circumstances are entirely different, thus such precedents are not helpful in the instant case to the applicant.

6. In the above circumstances, the applicant has failed to make out a case for grant of bail, hence this bail application is dismissed.

7. Needless to say the observations made in this order are of a tentative nature and shall not be influenced the trial Court while deciding the case on merits.

JUDGE