

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2183 of 2016

1. Shivkumar Yadav, aged about 60 years, S/o. Horilal Yadav, R/o. Village-Kachhar, Police Station -Koni, District-Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Koni, District – Bilaspur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Suryakant Mishra, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.83/2016, registered at Police Station – Koni, District – Bilaspur (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
2. Case of the prosecution, in brief, is that on 22.03.2016 on raid being made, from the possession of the applicant, 1.938 kg of cannabis were recovered. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the house from where the contraband was seized, is not in exclusive possession of the

applicant. He further submits that the applicant is in jail since 23.03.2016 and looking to the quantum of the contraband seized, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the statement. It appears that seizure has already been made. Taking in to the quantum of the cannabis recovered and the fact that the applicant is in jail since 23.03.2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge