

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6074 of 2016

- Munna Yadav S/O Gopal Yadav Aged About 22 Years R/O Village : Kaharchuwa, Police Station Lailunga, District Raigarh Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station : Lailunga, District : Raigarh Chhattisgarh

---- **Respondent**

For Applicants : Mr. Ajit Kumar Yadav, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-10-2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 10-02-2016 in connection with Crime No. 36 of 2016 registered at Police Station Lailunga, district Raigarh (CG) for the offence punishable under Section 20-B of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that on 10-2-2016 at 3.45 pm., on secret information being received by the Police party that the applicant along with other co-accused persons was travelling in white colour Hyundai Car bearing registration No. CG 13-C-6200 with cannabis and they were ready to sell the same, they were intercepted by the Police party and from dicky of the said vehicle in one jute bag eight packets total weighing 8 kgs of cannabis were found and same were recovered from them which were being transported for selling and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the seizure witnesses PW/2 Tekam Sidar and PW/3 Kushram Bhagat have been examined in this case and they have not

supported the prosecution case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 10-2-2016 and no further investigation is required, therefore he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail application and would submit that case of the present applicant is similar to that of other co-accused persons whose bail applications have been dismissed by this Court, therefore, present applicant is not entitled to be released on bail.
5. I have heard learned counsel for the parties, perused the case diary and documents. It would not be appropriate for this Court to evaluate the evidence as the evidence of Investigating Officer is still to be examined in this case. Considering the facts and nature of offence, it is for the trial Court to adjudicate the matter after entire evidence including the evidence of Investigating Officer is adduced on record.
6. Taking into consideration all the facts and circumstances of the case, further considering the huge quantity of cannabis which were recovered from the possession of the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju