

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6328 of 2016

Damrudhar Yadav, S/o. Budhram Yadav, Aged About 21 Years,
Occupation- Private Service, R/o. Sukbans, Police Station & Tahsil
Lailunga, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station City
Kotwali, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.10.2016

1. This is the 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 in connection with Crime No.511/2016 registered at Police Station- City Kotwali, District Raigarh (C.G.) for the offence punishable under Section 20(B) of the N.D.P.S. Act.
2. As per the prosecution case, on a raid being conducted on 27.08.2016 from the possession of the applicant, total 1 Kg 875 grams of Cannabis were recovered; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the seizure of the Cannabis were not made in person from the present applicant and it was made from an open place, therefore, it cannot be stated that the applicant was in possession of the Cannabis. He further submits that the charge sheet has been filed and no further investigation is required, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and specially taking into the quantity of seized Cannabis and further taking into fact that the charge sheet has been filed and no further investigation is necessary, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge