

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 7477 of 2016**

1. Chandramani Yadav, S/o. Devanand Yadav, aged about 27 years,  
R/o. Sohanpur, P.S. - Lailunga, District – Raigarh (C.G.)

----Applicant

**Versus**

1. State of Chhattisgarh, Through : the Station House Officer, Police  
Station – Ambikapur, District – Sarguja (C.G.)

---- Respondent

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For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**28/11/2016**

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.539/2016, registered at Police Station – Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 20-B of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that on 01.08.2016, a vehicle was intercepted, which was being driven by Lalit Yadav and Takeshwar was one of the inmate and on being intercepted and having search made, 14.70 k.g. of cannabis was recovered. Subsequently on investigation, it was found that the said cannabis belonged to the present applicant. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that there is no evidence to connect the present applicant in the aforesaid crime and the present applicant was 200 k.m. away from the spot and he has

been falsely implicated only on the basis of statement of one of the co-accused and even that statement has not been filed by the prosecution and the applicant was not on the spot. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that the applicant was not apprehended on the spot and submits that the applicant has been inculpated on the ground that the vehicle stands in his name.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Taking into the fact that the applicant was not apprehended on the spot and the vehicle UP-64-H-4738 was on his name on that basis, the applicant has been apprehended. Taking into the totality and the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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