

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 7219 OF 2017

Bhuneshwar Yadav, S/o Vidhyadhar Yadav, aged about 25 years, by caste- Mahkul, R/o Village- Pithaya, Chowki Kotba, P.S. - Bagbahar, District Jashpur (C.G.)

... Applicant

versus

State of Chhattisgarh, through S.H.O., Police Station- Jainagar, District Surajpur (C.G.)

... Respondent

For Applicant	:	Mrs. Indira Tripathi, Advocate.
For Respondent-State	:	Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/12/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 25.10.2016 in connection with Crime No.202/2016 registered at Police Station- Jainagar, District Surajpur, for the offence punishable under Section 20(B) of the N.D.P.S. Act.
2. Allegation against the Applicant as per the prosecution case is that the Applicant is said have been found in possession of 4kg and 400gram of Ganja from his possession.
3. Learned Counsel for the Applicant submits that the Applicant has already remained in custody for a period of about 14 months and that the material witnesses who were examined, i.e., the seizure witness and the witness to the weighment panchanama, both have not supported the case of the prosecution and have turned hostile and thus prayed for grant of bail to the Applicant.
4. Learned Counsel for the State however opposes the bail application on the ground that the offence is under the N.D.P.S. Act and the quantity of Ganja seized was more than 4kg and therefore the Applicant does not deserve to be released on bail.

5. Considering the facts and circumstances of the case, particularly the period of custody already undergone and the fact that the two material witnesses have not supported the case of the prosecution and have turned hostile, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the bail application is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge

/sharad/