

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. No. 1746 OF 2017

Stefan Tigga, S/o Silvanus Tigga, aged about 32 years, R/o Haldi Jhariya,
Jatiya Para, Police Station Baghbahar, Dist. Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Sitapur, Dist. Sarguja (C.G.)

---- Non-applicant

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Non-applicant : Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/06/2017

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.217/2016 registered at Police Station- Bhatapara Sitapur District Sarguja for the offence punishable under Section 20-B of the NDPS Act.
2. As per prosecution case, on 22/11/2016 the police intercepted the vehicle bearing registration No. CG-15-B-6835, which was being driven by the present applicant and on the said vehicle 4 Kgs. Cannabis were recovered at the time seizure. One more person Heeradhar Yadav was also traveling in the vehicle.
3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that present applicant is only driver and seizure was made by Heeradhar Yadav, who is the passenger and no seizure was made by the present applicant. He would

further submit that the quantity of seized Cannabis is small therefore, in view of this, the applicant cannot be enclaved in the crime in question. He would lastly submit that charge sheet has been filed and applicant is in jail since 22/11/2016, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that total weight of recovered Cannabis 4 Kgs., which is less than the small quantity.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the documents, which appears prima facie that the seizure was made on 22/11/2016 to one Heeradhar Yadav and not by the present applicant and considering the small quantity of Cannabis and pretrial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Certified copy as per Rules.

Sd/-

(Goutam Bhaduri)
Vacation Judge