

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4164 of 2017

Hiradhar Yadav S/o Pareshwar Yadav, Aged About 28 Years R/o Village Kukargaon, Haldijhariya, Police Station Bagbahar, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant	:	Shri A.K. Yadav, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/11/2017

Heard.

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- 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 co-accused Stefan Tigga and on the said vehicle 4 Kgs. Cannabis were recovered at the time of seizure. The allegation against the applicant is that the applicant was also travelling in the same vehicle.
3. Learned counsel for the applicant would submit that Stefan Tigga who is alleged to have been driving the vehicle has been granted bail by this Court vide order dated 14.6.2016 passed in MCRC No.1746 of 2017. 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 is 4 Kgs., which is less than the small quantity. He would further submit that there is one more case of commission of similar offence pending against the applicant.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the submissions made by learned counsel for the parties, considering the quantity of cannabis alleged to have been seized, the applicant is in jail since 22.11.2016 and that co-accused Stefan Tigga has already been granted bail by this Court, I am inclined to allow the application.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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
8. Certified copy as per Rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge