

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4387 of 2017

- Shankarlal Yadav S/o Shri Vibhav Yadav, Aged About 48 Years R/o Village-Fari, Police Station And District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Bemetara, District Bemetara, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Vaibhav A. Goverdhan, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.237/2017 on 16-04-2017 by P.S. Bemetara, District Bemetara, C.G. for the offence under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'). After investigation police had filed the charge sheet which is pending before the Special Judge under the NDPS Act Bemetara, C.G. as Special Criminal Case NDPS No.07/17. Learned counsel for the applicant would further submit that the applicant is first offender, local resident of Bemetara District, C.G. He was not having criminal antecedent for similar or any other offence. He is in custody since long. He will not abscond and abide by the terms and conditions imposed by the Court and as per the allegation, he was in illegal possession of 2 kg. of ganja which was one kg. more than the small quantity. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant.
4. Perused the entire material.
5. As the applicant is in custody since 3 months and 22 days till date, charge sheet has been filed, the applicant is permanent resident of District Bemetara, he is first offender, after considering the entire facts including the quantity of ganja so seized from the applicant, I am inclined to grant one opportunity to the applicant

so that he shall not involve himself in any crime and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the trial Judge for his appearance before the said Court as and when directed till trial.

6. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

7. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Bemetara, District Bemetara, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the said criminal case against him. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

9. Certified copy as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**