

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4390 of 2017

- Yogesh Yadav, S/o Tiran Yadav, (Wrongly mentioned the name of the father of the applicant as Hiran in the rejection order), Aged About 19 Years, R/o. Ward No.29, Uday Nagar Colony, Sagar Road, Civil Line, Vidisha, District Vidisha (M.P.) (This Address of the applicant mentioned as per the charge sheet.)

---- Applicant

Versus

- State Of Chhattisgarh, through the Station House Officer, Police Station - Mainpur, District - Gariyaband (C.G.)

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-10-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant. The applicant was arrested on 19-10-2016 in connection with Crime No.119/2016 registered at P.S. Mainpur, District Gariyaband, C.G. for the offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated alleging that he was in possession of 6 kg. of ganja at the time of search and seizure. The case has been investigated and charge sheet has been filed. The applicant is hopeful to succeed in the case, he is in custody since 19-12-2016. Trial is not yet concluded. Learned lower Court has rejected the application for bail. Therefore, it is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect. It is submitted that looking to the statement of the witnesses and the quantity of the contraband seized, the

applicant is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. Considering the submissions and contents of the case diary and looking to the facts that the applicant is in jail since 19-12-2016 and the trial is not yet concluded, no purpose would be served if the applicant is kept in detention till conclusion of the trial, this Court is of the view that this is a fit case where the applicant should be enlarged on bail.

6. Consequently, the application (MCRC No.4390/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge