

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6144 of 2017

- Mukesh Kumar Yadav S/o Hanumant Rai, Aged About 32 Years R/o Gulmahiya Chak, Bouwali Kuwva, P.S. Didarganj, Patna (Bihar)

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh

--- Respondent

For Petitioner	:	Shri S. C. Verma with Shri Jitendra Shrivastava, Advocates
For Respondents	:	Shri Avinash Singh, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/11/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.23/2017 registered at Police Station Rajpur, District Balrampur-Ramanujganj for the offence punishable under Section 279, 337 of IPC and Section 20(B)(iii) of the NDPS Act.

3. Case of the prosecution is that from the vehicle, 71 KG of ganja was recovered. Allegation against the applicant is that the persons, who are co-accused found in possession of ganja, were employee of the present applicant.

4. Learned counsel for the applicant submitted that the memorandum statement without any other material does not constitute substantive evidence and on that basis, implication of the applicant is false. He also submits that the investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the co-accused, who were arrested along with the quantity of ganja, disclosed that they were transporting the ganja under the instructions of the applicant, therefore, the applicant's involvement is there.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the applicant has been involved on the basis of memorandum statement of co-accused and that the investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E