

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8473 of 2016

1. Jayprakash S/o Khelawan Chakradhari Aged About 28 Years Caste Kumhar, R/o Village Dhodibahra, Police Station Baikunthpur, District Koriya, Chhattisgarh.
2. Devendra Singh S/o Pitambar Singh Gond Aged About 22 Years , R/o Village Dhodibahra, Police Station Baikunthpur, District Koriya, Chhattisgarh

---- Petitioners

Versus

- State Of Chhattisgarh Through The Police Station Ramanujnagar, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok Kumar Shukla, Advocate

For Respondent/State : Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 23-09-2016 in connection with Crime No. 188 of 2016, registered at Police Station Ramanujnagar, District Surajpur (CG) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act.
2. As per prosecution case, on a secret information being received that two persons were in possession of cannabis and trying to sell them on 23-11-2016, a raid was conducted by the police party. The applicants who were traveling on two separate motor-cycles, were apprehended and from the possession of applicant No.1 Jayprakash, 5 kgs of cannabis were recovered. Since the secret information revealed that two persons were in the process to sell cannabis, applicant No.2 Devendra Singh who was also in the other motor-cycle was apprehended and arrested.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, no seizure has been

made from from the possession of the applicants and even the alleged seizure has not been made from applicant No.2 Devendra Singh, therefore, falsity of the case is writ large. He would further submit that they are in jail since 23-9-2016 and no further investigation is required, therefore, they may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents. It appears that 5 kgs of cannabis were recovered from the possession of applicant No.1 Jayprakash whereas from applicant No.2 Devendra Singh no recovery has been made.
6. Taking into consideration the facts and circumstances of the case and considering the recovery made from applicant No.1 Jayprakash, I am not inclined to release him on bail. Accordingly, his bail application is liable to be and is hereby dismissed.
7. So far as applicant No.2 Devendra Singh, is concerned, considering all the facts and circumstances of the case and further considering the fact that no recovery has been made from him, without further observation on the merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application of applicant No.2 Devendra Singh filed under Section 439 of the Cr.P.C. is allowed and it is directed that he 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju