

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1498 of 2018

Gyanesh Yadav S/o Tiran Singh Yadav Aged About 23 Years R/o- Village Mirzapur, Police Station Vidisha, District- Vidisha (M.P.), District : Vidisha, Madhya Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through- The Police Station Sankra District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri S.S. Baghel, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

04/05/2018

Heard.

1. The applicant has been arrested in connection with Crime No.136 of 2017 registered in Police Station- Sankra, District Mahasamund for the alleged commission of offence under Section 20 (b) of the NDPS Act, 1985.
2. Case of the prosecution, in brief, is that from the joint possession of the applicant and co-accused, 35 k.g. ganja was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. He would submit that the applicant is in jail since 25.8.2017. During the trial, the independent witnesses of seizure have been examined and they have turned hostile. He would further submit that witnesses of entire proceedings, from the stage of seizure, preparation of sample, taul panchnama etc., have all turned hostile and they have not supported the prosecution case. Therefore, at this stage when the independent witnesses have already been examined, the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application. He would submit that even though independent witnesses of seizure and other proceedings have not supported the case of the prosecution, the Investigating Officer is yet to be examined, therefore, at this stage, looking to the nature of allegation, the applicant may not be granted bail.
5. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration that the independent witnesses have not supported the seizure of contraband from the possession of the applicant and other proceedings, the applicant is in jail since 25.8.2017 and considering that the material independent witnesses have been examined and only police witnesses are remained to be examined. I am inclined to grant bail to the applicant.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge