

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2172 of 2018

- Pawan Kumar Yadav S/o Yadu Yadav Aged About 24 Years R/o- Bharatgaura, P.S.- Amba, District- Aurangabad (Bihar) Current R/o- Bhagwanpur, Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. Chandrapur, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Amit Sharma, Advocate.
For Respondent/State	:	Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/04/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Istgasa No.03/2018 registered at Police Station– Chandrapur, District– Janjgir-Champa(C.G.) for the offence punishable under Section 41(1-4) of the Code of Criminal Prosedure and Sections 379 & 407 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 14.2.2018. The applicant was simply a driver of the truck bearing registration No.CG13-LM-4551 and he was working under the instruction of the truck owner. The property seized from his possession was not stolen property and no investigation has been made to find out of the real owner of the seized property. The truck owner has received

the truck and the load of coal on *Supurdnama*. No case is made out against this applicant. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. On the date of incident, the police personnel of PS-Chandrapur stopped the truck bearing registration No.CG13-LM-4551 which was driven by this applicant, in which 28.17 tonne coal worth Rs.13000/- to 96000/- was being transported in the truck. As the applicant could not produce any relevant documents about the ownership of the coal, seizure was made on suspicion that the coal being transported was stolen property.
6. On perusal the case diary it appears, that no progress has been made so far and, further, it also appears that said truck and the load of coal has already given on *Supurdnama* to the person, who has made the claim. Hence, under these circumstances I am of this opinion that this is a fit case where applicant should be benefited with grant of regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

