

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5432 of 2018

1. Tikeshwar Yadaw, S/o. Suku Yadav, Aged About 27 Years, R/o. Village Fitingpara, Jhagarpur, P.S. Lailunga, District- Raigarh, Chhattisgarh.
2. Lalit Kumar Yadaw, S/o. Nabino Yadav, Aged About 27 Years, R/o. Village Sohanpur, P.S. Lailunga, District- Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, P.S. Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicants : Mr. Jitendra Shrivastava, Advocate

For Respondent : Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.08.2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.539/2016 registered at Police Station- Ambikapur, District Surguja (C.G) for the offence punishable under Section 20-B of N.D.P.S. Act. The first bail application was dismissed as withdrawn with liberty to file afresh after seizure witnesses are examined.
2. As per the prosecution case, on 01.08.2016 while the present applicants were traveling in the Pickup Van, from their possession total 14.200 Kg Cannabis were recovered; thereby the offence has been committed.
3. Learned counsel for the applicants submits that the first bail application was dismissed as withdrawn on 14.02.2017 with liberty to repeat the same after seizure witnesses have been examined and now one of the seizure witness has been examined and he has not supported the case of the prosecution. He further submits

that the other seizure witness Ashish Tiwari do not turn up despite summons issued to him for last two years and the applicants are in jail since 01.08.2016; therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perusal of the order sheets would show that from 30.06.2017 the bailable warrant to the other seizure witness have been issued, however, it appears that till date they have not turned up. Considering the quantity of seized Cannabis and the fact that the applicants are in jail since 01.08.2016 and further taking into the delay in trial, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge