

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7687 of 2018**

Tarun Kumar Yadav, S/o. Shri Sundeshwar Yadav, Aged About 32 Years, R/o. Village- Raghunathpur, Police Station- Patthalgaon, Civil and Revenue District- Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Kondagaon, District- Kondagaon, Chhattisgarh.

----- Respondent

For Applicant	:	Mr. Ajeet Kumar Yadav, Advocate
For Respondent	:	Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/11/2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.72/2017, registered at Police Station- Kondagaon, District – Kondagaon (C.G.) for the offence punishable under Section 20 (B) of the N.D.P.S. Act, 1984. First bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the main witnesses vide order dated 10.01.2018 in M.Cr.C. No.6343 of 2017.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The independent witnesses of search and seizure have been examined and they have not supported the prosecution case. Similarly placed

co-accused person has been enlarged on regular bail. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Seizure of 203.890 Kg. of Ganja was made from this applicant and three other accused person jointly by the police personnel of Police Station – Kondagaon. Hence, this case.
6. It is mentioned in the order dated 17.09.2018, in M.Cr.C. No. 6089/2018 that independent witnesses of search and seizure have not supported the prosecution and that has been made ground for release of the co-accused persons on bail and case of this applicant is also similar, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge