

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7822 of 2018

1. Mulayam Singh Yadav, S/o. Ram Sagar, Aged About 22 Years, R/o. Patara P.S. Kurara, District Hamirpur Kurara U.P.
2. Pradeep Kumar Yadav, S/o. Ramesh Chandra, Aged About 23 Years, R/o. Village Rampura, P.S. Choubiya, District Itawa, U.P.

---- Applicants

Versus

State Of Chhattisgarh, Through The Police Station Kondagaon, District :
Kondagaon, Chhattisgarh

---- Respondent

For Applicants : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.10.2018

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 in connection with Crime No.28/2018 registered at Police Station- Kondagaon, District Kondagaon (C.G.) for the offence punishable under Section 20(b) of Narcotic Drugs & Psychotropic Substance Act, 1985.
2. As per the prosecution case, on 31.01.2018 on an information received that few persons are trying to sell the Cannabis at Bus Stand Kondgaon, raid was conducted and from the possession of the present applicants 5.100 Kg & 5 Kg Cannabis were recovered.
3. Learned counsel for the applicants submits that though separate recovery was made but in order to make it joint possession 30 Kg has been shown to have been total seized and under the facts of this case separate seizure was made, which is below the

commercial quantity, therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The case diary shows that on an information received that some persons are trying to sell Cannabis at Bus Stand raid was conducted and from the possession of four persons Cannabis were recovered. Taking into the facts of this case and the quantity of the seized Cannabis and further considering the fact that the charge sheet has been filed, 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