

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7518 of 2017**

Jagnarayan Yadav, S/o. Shiv Shankar Yadav, aged about 30 years, R/o. Dullahpur, Post Office & Police Station – Simri, District – Bamber (Bihar).

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station-Abhanpur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/01/2018**

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 Crime No.105/2017, registered at Police Station – Abhanpur, District – Raipur (C.G.) for the offence punishable under Section 20 (B) of Narcotics Drugs and Psychotropic Substance Act (as per challan) and Section 20 (ii) (B) of Narcotics Drugs & Psychotropic Substance Act (as per charge framed by the trial Court).
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material available on record of the prosecution case. Applicant is in jail since 03.04.2017 and the trial of the case against the applicant is likely to take sometime. Hence, for

this reason, it is prayed that the applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect on this ground that the applicant is resident of Bihar, hence, his release on bail, the trial against him shall be affected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case in brief is that on search being made by the police personnel of Police Station – Abhanpur, District – Raipur, 9.766 Kg. of Ganja was found from the possession of the applicant on the basis of which, he has been charge-sheeted after investigation.
6. Considered the submissions made and the contents of the case diary. As it is submitted that one of the co-accused Devashish Paswan has been enlarged on bail by the Coordinate Bench of this Court, hence on the ground of parity, 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 the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge