

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8698 of 2018

1. Shivkumar Yadav S/o Shaitan Singh Aged About 22 Years R/o Village Rampura P.S. Choubiya District- Itawa, Uttar Pradesh.
 2. Awadhesh Kumar Pal, son of Moolchand Pal, aged about 39 years, resident of Village Balari, P.S. Ekdil, District Itawa (U.P).
- Petitioners**

Versus

State of Chhattisgarh through the Police Station Kondagaon, District-
Kondagaon, , Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Pravin Kumar Tulsyan, Advocate.
For the Respondent	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.12.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.28/2018 registered at Police Station Kondagaon, Distt. Kondagaon (C.G) for the offences punishable under Sections 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on receipt of secret information on 31.01.2018 that few persons are trying to sell the Cannabis at Bustand Kondagaon, a raid was conducted and from the possession of applicant No.1 Shiv Kumar Yadav 10.200 Kgs., of Ganja and from Applicant No.2 Awadhesh Kumar Pal, 10.360 kgs., of Ganja was recovered and from the other accused 5.100 kgs., and 5 Kgs., Kannabis was recovered. Thus from the joint possession of all the accused, total cannabis of 30.660 Kgs., of cannabis was shown to be transported.
3. Learned counsel for the applicants submits that though separate recoveries were made, but in order to make it joint

possession, total quantity of 30 Kgs., has been shown to have been received, therefore, the quantity of alleged individual recovery made from each applicant is doubtful. He further submits that the other accused Mulayam Singh Yadav and Pradeep Kumar Yadav have been granted regular bail by this Court on 30.10.2018 in M.Cr.C.No.7822 of 2018 and the case of the present applicants is also on similar footing. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is unable to dispute the fact that the other accused Mulayam Singh Yadav and Pradeep Kumar Yada have been granted bail.
 5. Perused the case diary. The place of recovery is the Bus Stand which is accessible to all public and from four persons, the cannabis was said to have been recovered and thereafter the joint possession has been shown.
 6. Considering the fact that similarly placed accused have already been released on bail by this Court as also the fact that the charge sheet has been filed and further looking to the place of recovery and the recovery of quantity of Ganja from each accused and the recovery of total quantity from joint possession , I am inclined to allow this bail application.
 7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE