

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9080 of 2018

- Sonu Yadav S/o Brijesh Yadav Aged About 19 Years R/o Village-Tulsipur, District- Bhaghalpur, Bihar., District : Bhagalpur, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Nagarnar, District-Bastar, Chhattisgarh., District : Bastar(Jagdapur), Chhattisgarh

---- Respondent

For Applicant	:	Mr. Santosh Bharat, Advocate.
For Respondent	:	Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/12/2018

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.194/2017 registered at Police Station– Nagarnar, District– Bastar(C.G.) for the offence punishable under Section 20(B)(II)(c) of Narcotic Drugs Psychotropic Substances Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant according to the evidence present in record of the trial Court. The independent witnesses of search and seizure have not supported the prosecution case. Similarly placed co-accused

persons have been granted regular bail by this Court in MCRC No.7440 of 2018 vide order dated 12.10.2018. Hence, it is prayed that this applicant may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. On the date of incident 50 kg. Ganja was seized from the possession of this applicant along with 3 other co-accused persons jointly by the police personnel of PS-Nagarnar, District-Bastar. Hence, this case.
6. As the independent witnesses of search and seizure have not supported the prosecution case and similarly placed co-accused persons have been granted regular bail by this Court, for these reasons, I am of this view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge