

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 73 of 2019

- Vinod Kumar Yadav S/o Late Budiram Yadav, Aged About 23 Years, R/o Dhodhi Tikra, Pathalgaon, Police Station Pathalgaon, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Mr. Shobhit Koshta, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-01-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-03-2017 in connection with Crime No.72/2017 registered at P.S. - Kondagaon, District Kondagaon, Chhattisgarh for the offence under Section 20(B) of NDPS Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. Similarly placed co-accused Manoj Yadav and Ghanshyam Banjare have been granted bail by this Court in MCRC No.6089 of 2018 by order dated 17-09-2018. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that huge quantity of contraband has been seized from possession of this applicant as well as other co-accused persons. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. Police personnel of P.S. Kondagaon made a seizure of 203.890 kg.

Ganja from the possession of this applicant and the co-accused persons while the same was being transported in a vehicle. Hence, this case.

6. Similarly placed co-accused persons have been granted bail for the reason that the independent witnesses of search and seizure have not supported the prosecution in trial and that the complainant and Investigating Officer in this case is the same person, hence, for these reasons I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge