

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 749 of 2019

- Amrit Kumar Yadav S/o Shri Jageshwar Yadav Aged About 37 Years R/o Kannava, P. S. Baccharva, District Raibareli U.P.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Devendra Nagar, District Raipur Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Rajbahadur Singh, Advocate.
Shri Rajesh Singh, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order On Board

01/02/2019

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 201/2018 registered at Police Station – Devendra Nagar, Distt. Raipur (C.G.) for the offence punishable under Section 20 (B) of the Narcotic Drugs & Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that 9.800 kg. of ganja was seized from the possession of the applicant and, thereby the applicant has committed the aforesaid offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has falsely been implicated in the crime in question; and even otherwise it is near to the small quantity prescribed under the law. He

submits that the co-accused namely Manoj Sahu was granted bail by this Court vide order dated 19.12.2018 passed in MCRC No.9133 of 2018, therefore, the present applicant may also be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts & circumstances of the case; further considering the facts that applicant is in jail since 17.10.2018; the fact that as per provisions contained in the NDPS Act, quantity of ganja seized from the possession of the applicant is 9.800 kg, and that the co-accused against whom similar allegations have been made, has already been released on bail by this Court, this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Gautam Chourdiya)
Judge

Akhilesh