

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9078 of 2018**

Pawan Kumar Tiwari S/o Omprakash Tiwari Aged About 29 Years R/o
Gadamar, Police Station Shankergarh, District - Allahabad, Uttar
Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station - Borai, District - Dhamtari, Chhattisgarh

---- Respondent

MCRC No. 9196 of 2018

1. Pankaj Yadav S/o Shri Bharat Yadav Aged About 24 Years R/o
Nalpada Kapargodi Chhotu Verma Chal Thane West Police Station
Kapargodi, District Thane Mumbai Maharastra
2. Sunil Yadav S/o Late Rajmani Yadav Aged About 23 Years R/o
Sahmidpur, Baranka, Police Station Macchali, District Jounpur, U. P.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Of
Police Station Borai, District Dhamtari Chhattisgarh

---- Respondent

For applicant in MCRC No. 9078/2018
For applicants in MCRC No. 9196/2018
For Respondent/State

Ms. Sharmila Singhai, Adv.
Mr. Anil Gulati, Adv.
Mr. Arvind Shukla, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17-1-2019**

1. Concerned investigating officer Vipin Kumar Lakda, SHO, PS Borai, Distt. Dhamtari is present in person along with case diary.
2. As both the above bail applications arise out of same crime number of same police station, they are being disposed of by this common order.
3. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
4. The applicants have been arrested in connection with Crime No.16/2018 registered in police station Borai, Distt. Dhamtari (CG) for offence punishable under Section 20(b)(ii)(C) of the NDPS Act.
5. Prosecution story in brief is that on 2-8-2018 at 12.55 hr near Borai Forest Barrier, Sub Inspector Ritesh Mishra, posted at PS Borai

seized 10 kg cannabis from possession of applicant Pawan Kumar Tiwari. He also seized 20 kg cannabis from applicant Pankaj Yadav and 10 kg cannabis from applicant Sunil Yadav.

6. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they be released on bail.
7. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However, he submits that no criminal antecedent of the applicants is reported in the police case diary.
8. Looking to the above facts and circumstances of the case, and as trial will take its own time, the applications of applicants Pawan Kumar Tiwari and Sunil Yadav are allowed. It is ordered that if **applicants Pawan Kumar Tiwari and Sunil Yadav** both furnish separately one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, they be released on bail.
9. As regards applicant **Pankaj Yadav**, looking to the huge quantity of the cannabis seized from him, his bail application is rejected.
10. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge