

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1265 of 2020

- Harinath Yadav S/o Totaram Yadav, aged about 36 years, r/o village Kshoura, Police Station Harpalpur, District- Hardoi, U.P.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mahasamund District- Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant : Mrs. Kiran Jain, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The first application was dismissed as withdrawn on 16.08.2019 in M.Cr.C. No.4639 of 2019 with liberty to file repeat application after examination of material witnesses. The applicant has been arrested on 11.02.2019 in connection with Crime No.81/2019, registered at Police Station- Mahasamund, District- Mahasamund, C.G. for offence punishable under Sections 20-B of N.D.P.S. Act, 1985.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 11.02.2019 and has been falsely implicated in this case and so far only one witness of search and seizure has been examined in the trial who has not supported the prosecution case. At present, the trial against the applicant is stand still because the trial Courts are not functioning in normal mode due to the orders of this High Court under the present pandemic situation. Another reason that the applicant is

praying for grant of bail is this that similarly place co-accused Kallu Kashyap has been granted bail by the Coordinate Bench of this Court in M.Cr.C. No.7532/2019 vide order dated 22.05.2020. Hence, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant formally opposes the application and submits that it is a case of seizure of commercial quantity of ganja of 90 K.G. from this applicant and the co-accused person. Therefore, looking to the seriousness of the offence committed, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, the police personnel of Police Station Mahasamund made a joint seizure of 90 kg Ganja from this applicant and the co-accuse Kallu Kashyap, when the same was being transported in a car, hence, this case.
6. Considered that the co-accused person has been granted bail by the Co-ordinate Bench of this Court and also for the reason that the trial against this applicant is not making any progress at present, therefore, only on the ground of parity, 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 local 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