

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2691 of 2020

Anto Yadav, aged about 30 years, S/o Baisakhu Yadav,
resident of Khajri Dhav, P.S. Bagbhar, District Jashpur,
C.G.

---- Applicant

Versus

State Of Chhattisgarh Through the Police Station
Farasgaon- Kondagaon (CG)

---- Respondent

For Applicant : Shri Raza Ali, Advocate
For State/Respondent : Shri Sunil Otwani, Addl. Advocate
General

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

13.10.2020

1. Proceedings of this matter have been taken up through video conferencing.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for release him on regular bail during trial in connection with Crime No.110/2017, registered at Police Station Farasgaon, Kondagaon(CG) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Case of the prosecution, in brief, is that, 461 kg of Ganja has been seized from the possession of the present applicant and thereby he has committed offence.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime in question. He submits that most of the witnesses have turned hostile and they have not supported the case of prosecution;

and provisions of Section 50 of the NDPS Act have not been complied with. He further submits that the applicant is in jail since 19.11.2017 and trial is likely to take some time for its conclusion, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, pre-trial detention of the applicant and further considering the quantity of narcotic drugs recovered from the applicant i.e. 461 kg ganja, which is more than commercial quantity, and in view of the provisions contained in Section 37(1)(b)(ii) of the NDPS Act, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is rejected. However, the trial Court is directed to expedite the trial.

Sd/-
(Sanjay K. Agrawal)
JUDGE