

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1134 of 2021**

Yogesh Kumar Kurre S/o Dharampal Kurre, Aged about 34 years, R/o Budar, Khalpara, Police Station Patna, Distt. Koriya, Chhattisgarh.

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Patna, Distt. Koriya, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Anil Gulati, Advocate
For State :- Mr. Aditya Sharma, Panel Lawyer

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

12/02/2021

1. Heard on admission.
2. Admit.
3. Issue notice to the non-applicant/State.
4. Mr. Aditya Sharma accepts notice on behalf of the non-applicant/State.
5. Case diary is available and with the consent of the parties, the matter is heard finally.
6. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has

been arrested in connection with Crime No. 06/2020, registered at Police Station – Patna, District Koriya (CG), for the offence punishable under Section 20(B) of the NDPS Act.

7. Case of the prosecution, in brief, is that 14.300 kgs of ganja was seized from the possession of the present applicant, and he has, thereby, committed the aforesaid offence.
8. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the crime in question. He would also submit that after the dismissal of the first bail application, two seizure witnesses have been examined namely Munna alias Dhaneshwar Puri and Gayassuddin and further submit that the applicant is in jail since 03/01/2020 and a period of one year has lapsed from the date of his arrest, therefore, he be released on bail.
9. On the other hand, learned counsel for the State would oppose the bail application.
10. I have heard learned counsel appearing for the parties and perused the case diary.
11. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role

of the present applicant and pre-trial detention of the applicant and also considering that the quantity of ganja seized from the applicant i.e. 14.300 kgs is though more than small quantity but is less than commercial quantity and a period of one year has lapsed from the date of his arrest, I consider it a fit case, in which, the applicant should be released on bail.

12. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

13. 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 trial Court, for his appearance as and when directed.

14. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet