

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5008 of 2021**

Jharnesh Yadu, S/o. Prakash Yadu, aged about 23 years, R/o. Nayapara,
Police Station – Bemetara, District Bemetara Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station
Kumhari, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manish Nigam, Advocate
For Respondent/State	: Mr. Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/08/2021**

1. This is the first 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.178/2020, registered at Police Station – Kumhari, District – Durg (C.G.) for the offence punishable under Section 20 (B) of Narcotic Drugs Psychotropic Substance Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 22.11.2020. No seizure of contraband has been made from the possession of this applicant. The seizure of mobile phone and currency notes are not the incriminating evidence against this applicant. This applicant has no criminal antecedents. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant was in association with the other co-accused, who was transporting huge quantity of contraband in a vehicle, therefore, there is direct involvement of the applicant. Hence, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 2 quintals 14 Kg and 776 Grams of Ganja have been seized from the possession of co-accused Manoj Sahu and then the same was being transported by him in a vehicle. Seizure of mobile phone and some currency notes have been made from this applicant.
6. Considered on the submissions. As the contraband has not been seized from the possession of this applicant, hence, looking to this circumstance, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on this 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge