

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8460 of 2020

Manoj Yadav son of Gadesh Yadav, aged about 26 years, resident of Village Bijuri, Thana – Bijuri, District Anuppur (M.P.)

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station – Ratanpur, District – Bilaspur (C.G.)

---- Non-applicant

For Applicant	: Mr. Vikash Pradhan, Advocate.
For Non-applicant/State	: Mrs. Fouzia Mirza, Additional Advocate General.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/03/2021

Heard.

1. The applicant has been arrested in connection with Crime No. 552 of 2020 registered at Police Station – Ratanpur, District Bilaspur (C.G.) for the alleged commission of offence under Section 20 (b) of NDPS Act.
2. Prosecution case is that on secret information the police intercepted and seized 11 kgs. of ganja from the possession of the present applicant.
3. Learned Counsel for the applicant would submit that the applicant has been falsely implicated in this case as the alleged ganja has not been seized from his possession and false seizure has been made. He would further submit that mandatory compliance as required under the NDPS Act has not been complied with while making seizure of the alleged *Ganja*. It is next submitted that the investigation is complete, charge-sheet has been filed and that the applicant is in jail since 14.10.2020 and the similarly situated co-accused persons namely Ashish Chandra & Nukeshwar Prasad

Chandra have already been granted bail by this Court vide order dated 11.02.2021 passed in M.Cr.C. Nos. 7964 of 2020 & 7983 of 2020, respectively, therefore, the present applicant may also be entitled for bail on the ground of parity.

4. On the other hand, learned counsel for the State opposes the prayer and submits that the entire proceeding of search and seizure have supported the case of the prosecution by the independent witnesses, therefore, *prima facie* case is made out.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that quantity of ganja alleged to have been seized from the possession of the applicant is far less than the commercial quantity and further that the investigation is complete, charge-sheet has been filed and that the similarly situated co-accused persons have already been released on bail by this Court vide order dated 11.02.2021 passed in M.Cr.C. Nos. 7964 of 2020 & 7983 of 2020, the bail application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

(i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Manindra Mohan Shrivastava)

Judge

D/-