

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7019 of 2015

Prashant Vishwakarma S/o. Shri Ashok Vishwakarma, Aged About 25 Years, R/o. Darripara, Ambikapur District Surguja (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through the Police Station Bandhinagar, Ambikapur District Surguja (Chhattisgarh).

---- Respondent

For Applicant	:-	Mr. Rakesh Pandey, Advocate
For Respondent/ State	:-	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 198/2015 registered at Police Station- Gandhinagar, District – Surguja (C.G.) for the offence punishable under Section 22-b of NDPS Act.
2. As per the prosecution story in short is that on 02.10.2015 at about 6.30 AM the applicant was apprehended with co-accused Suraj Yadav that they wanted to sale the brown sugar of 12 grams thereafter the raid was being made and the brown sugar was seized from the pocket of Suraj Yadav. On the basis of seizure the police registered the offence punishable under section 22-b of NDPS Act and both the applicants have been arrested.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that no seizure has been made from the present applicant and the entire brown sugar was seized from the pocket of Suraj Yadav and

this applicant can not be inculpated for the act done by Suraj Yadav , therefore; he may be enlarged on bail.

4. State counsel opposes the prayer for grant of bail and do not dispute the fact that the seizure of brown sugar was made from the pocket of Suraj Yadav.
5. Having regard to the fact that the seizure of brown sugar was made from Suraj Yadav and not from the present applicant. Taking into account the fact that the charge-sheet has been filed; and the fact that the applicant is in jail since 02.10.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge