

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 3725 of 2016

- Avinash Mishra S/o Shri Narendra Mishra Aged About 28 Years R/o Kenabandh Bouripara (Wrongly Mentioned As Bouriparipara In The Impugned Order Dated 28.05.2016), Police Station Ambikapur, Distt. - Surguja (Chhattisgarh). ---
Petitioner

Versus

- State of Chhattisgarh through Station House Officer, Police Station Ambikapur, Distt. - Surguja Chhattisgarh. --- **Respondent**

15.07.2016	Mr. Rishi Rahul Soni, counsel for the applicant. Mr. Sumeet Jhawar, Panel Lawyer, for the State. This is first bail application filed u/s 439 of the Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No.603 of 2015 registered by Police Outpost Madipur, P.S. Ambikapur, Distt. Surguja for the offence punishable u/s 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. As per the prosecution case, on 24.10.2015 on an information received that the applicant is carrying the brown sugar, he was intercepted and from his possession brown sugar of 7.15 grams worth Rs.1,40,000/- was recovered. Learned counsel for the applicant would submit that the seizure witnesses in this case have been examined and they have not supported the case of prosecution thereby it would go to prove that the applicant has been falsely implicated. He further submits that the charge sheet has been filed and the applicant is in jail since 24.10.2015, therefore, he may be enlarged on bail. Per contra, learned State Counsel vehemently opposes the bail application. Perused the case diary documents and the statements of witnesses. The investigation officer is still	

<i>R a o</i>	to be examined and the entire evidence is to be read as a whole, therefore, in absence of evidence of I.O., it would not proper for this Court to evaluate the entire facts for consideration of bail at this stage. Considering the fact that the I.O., is still to be examined, I am not inclined to release the applicant on bail. Accordingly, the bail application is dismissed. Sd/- GOUTAM BHADURI JUDGE	
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