

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 350 of 2017**

Makhole Panika, S/o. Jagarnath Panika, Aged About 29 Years, R/o. Bharatpur, Police Station- Janakpur, District- Korea, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Of Police Station- Janakpur, District- Korea, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**31/01/2017**

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.105/2016 registered at Police Station- Janakpur, District Korea (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs & Psychotropic Substance Act.
2. As per the prosecution case, on 29.07.2016, on information received that the present applicant alongwith other co-accused were transporting Cannabis and were coming into the motorcycle, they were intercepted. During such interception, the present applicant fled away and the other co-accused were arrested and from one Shankar, total 4 Kg Cannabis was recovered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and there is no evidence that the present applicant had run away from the spot. He further

submits that seizure was also not made from the present applicant, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that entire seizure was made from one Shankar and the present applicant was not present on the spot and further considering the fact that the charge sheet has been filed and the applicant is in jail since 19.10.2016, 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