

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7502 of 2017**

- Rohit Kumar Sahu S/o Late Romnath Sahu Aged About 48 Years R/o Village Biroda, Police Station Dhamdha, District Durg Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh through District Magistrate Civil And Revenue District Durg Chhattisgarh.

----Non-applicant

For the Applicant	:	Shri Amiyakant Tiwari, Advocate
For the Non-applicant	:	Shri UNS Deo, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****15.12.2017**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No. 141 of 2017 registered at Police Station Dhamdha, District Durg (C.G.) for the offence punishable under Section 20(A) NDPS Act and also heard the learned counsel for the parties.
3. Case of the prosecution, in brief, is that on 10.09.2017 on the basis of information received from an informant, Sub-Inspector Jagdish Mandavi of PS Dhamda seized Cannabis plant from the

courtyard of the present applicant in vilage Biroda which was weighing about 2 kg 300 gms.

4. Learned counsel for the applicant submits that he is innocent and has been falsely implicated in the case. He further submits that the applicant is in custody since 10.09.2017, hence, he shall be released on bail.
5. On the other hand, the learned counsel for the State opposes the bail application.
6. Having regard to the above facts and circumstances of the case, also looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; keeping in view that the trial will take its own time; and the applicant is in custody since 10.09.2017, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.20,000/- along with a personal bond in the like sum to the satisfaction of the Special Judge, Durg with the condition that he will appear before the concerned Court as and when directed by the said Court, he be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge