

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2409 of 2018

- Satyendra Kumar Sahu S/o Shayam Prasad Sahu Aged About 28 Years R/o- Village Churi, P.S. And Tahsil- Katghora, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S.- Katghora, District- Korba, Chhattisgarh.

---- Non-applicant

For Applicant : Miss. Shivali Dubey, Advocate.

For Non-applicant : Shri Ashish Surana, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

07.05.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other 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. 88/2018 registered at Police Station – Katghora, District – Korba (C.G.) for the offence punishable under Section 20(b) of the NDPS Act.
3. Case of the prosecution, in brief, is that on 21.03.2018, S.B. Patel, SHO Katghora received a secret information from an informer that the applicant is selling cannabis from his house. After obtaining search, he raided the house of the applicant and seized from him cannabis

weighing 2.5 Kg.

4. The charge-sheet has not been filed.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to the facts and circumstances of the case, looking to the fact that the seized quantity is intermediate quantity, the applicant is in custody since 21.03.2018, there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the M.Cr.C. is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE