

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3787 of 2018

- Kanhaiyalal Soni S/o Late Shyamlal Soni Aged About 52 Years R/o Deendayal Colony, Dhimrapur, P.S. City Kotwali, Raigarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. City Kotwali, Raigarh, District Raigarh Chhattisgarh.

---- Non-applicant

For Applicant : Shri Amit Sharma, Advocate.

For Non-applicant : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

06.07.2018

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. 436/2018 registered at Police Station – City Kotwali, District - Raigarh (C.G.) for the offence punishable under Section 20(b) of the Narcotics Drugs and Psychotropic Substances Act.
3. Case of the prosecution, in brief is that on the information of informer on 26.04.2018 near about 16:00 hrs Sub-Inspector Jageshwar Yadav seized 1 Kg and 400 gms cannabis from the courtyard of house of the applicant.

4. Alleged seized cannabis is more than small quantity and less than commercial quantity.
5. The applicant is in custody since 27.04.2018.
6. 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 shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicant.
8. Looking to these facts and circumstances of the case, looking to the fact that 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.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. 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 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 he would cooperate during the trial, he shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE