

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4342 of 2018

Mantosh Barai, S/o. Santosh Barai, Aged About 19 Years, R/o. M.V.86
G.P. Town Pendkonda Tathan Malkangiri, District- Malkangiri (Odisha)

---- Applicant

Versus

State Of Chhattisgarh, Through- The Police Station Nagarnar, District-
Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.07.2018

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.208/2017 registered at Police Station- Nagarnar, District Bastar (C.G) for the offence punishable under Section 20 (b) of N.D.P.S. Act.
2. As per the prosecution case, on 26.09.2017 while the applicant was traveling in the Bus, on an enquiry being made, from the present applicant, total 7 Kg Cannabis were recovered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and the recovery was not made in person from the present applicant, it was made from the Bus; therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts & circumstances of the case, taking into fact that the charge sheet has been filed and specially taking into the quantity of the seized Cannabis and also the fact that the applicant

is in jail since 26.09.2017, 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