

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5676 of 2018**

Tarun Bhoi S/o Raj Bhoi Aged About 25 Years R/o- Village Kumna, Thana Kumna, District- Nuapada (Odisha).

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Komakhan, District- Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vikas Pradhan, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/08/2018**

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 the Crime No. 57/2018 registered at Police Station Komakhan, District Mahasamund (C.G.) for the offence punishable under Section 20(B) of the NDPS Act.
3. Case of the prosecution, in brief is that on 12/05/2018 at about 16.30 hours at National Highway No. 353 Komakhan, on secret information received from the informer, SHO Ashok Kujur, Police Station Komakhan blocked the road. He checked one motorcycle number O.D.03 H 5157 which was driven by the applicant. Said Police Officer seized 6 Kg. Cannabis from the dickey of the said vehicle from the possession of the applicant.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the above mentioned facts and circumstances of the case and as per the statement of the Govt. Advocate there is no antecedent, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present 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 two solvent sureties for a sum of Rs. 20,000/- each along with a personal bond of Rs. 40,000/- to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial and will not involve in similar offence in future then he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde