

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6041 of 2018**

- Anish Sahu S/o Amol Sahu Aged About 28 Years R/o- Village Bhitarbazar Sagar, Thana- City Kotwali Sagar, District- Sagar, Madhya Pradesh., District : Sagar, Madhya Pradesh

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Vikas Pradhan, Advocate
For State/respondent	: Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/09/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.134/2016 registered at Police-Station-Sankra, District-Mahasamund(C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs Psychotropic Substances Act.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The seizure of contraband was made from the spot of incident where this applicant was not present. The applicant has been roped only on the basis of the memorandum statement given by co-accused Sunil Vishwakarma, who has already been granted bail by this Court in MCRC No.4856 of 2018 vide order dated 31.7.2018. Hence, it is prayed that he may also be released on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. On the date of incident, the police personnel of PS-Sankra made a seizure of 80 kg ganja from one abandoned car bearing registration No.M.P. No.-C.A. 0496. Later on, during investigation, the owner of the car Sunil Vishwakarma made a statement on memorandum that the car was in possession of this applicant because of which this applicant has been arrayed in this case.
6. Considering the entire material present in the case diary and for the reason that similarly placed co-accused person has been granted regular bail. For this reason, I am of the view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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/

(Rajendra Chandra Singh Samant)

Judge

Nisha