

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6209 of 2018

- Deepak Mishra S/o Banwarilal Mishra Aged About 34 Years R/o Itwari Bazar, Near Mutton Market, Korba, Police Station Kotwali, Tehsil And District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Tehsil And District Korba, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Rohit Sharma, Advocate

For Non-applicant : Shri Surya Kant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board05.10.2018

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. 462/2018 registered at Police Station – Kotwali, District – Korba (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Case of the prosecution, in brief is that on 06.07.2018 at about 10:30 pm at Itwari Bazar ASI Bhagirathi Chouhan, PS Kotwali, Korba seized 1 Kg and 500 gm cannabis from the possession of the applicant.
4. 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.

5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.

6. 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.

7. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

8. 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 he would cooperate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE