

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6205 of 2018**

Dauwa, S/o Shri Shyamu Dewar, aged about 25 years, R/o Ward No.25, PS City Kotwali, Janjgir, District Janjgir (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station City Kotwali, Janjgir, District Janjgir (CG).

---- Non-applicant

For Applicant : Mr. Tanuj Patwardhan, Advocate.

For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.10.2018**

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.220/2018 registered at Police Station City Kotwali, District Janjgir for the offence punishable under Section 20(B) of NDPS Act.
3. Case of the prosecution, in brief is that on 12.04.2018 at about 7:50 pm, A.S.I., B.S. Lakra posted at Police Station Janjgir at Shantinagar seized 5.00 kg cannabis from the possession of the applicant.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedents reported against the applicant in police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. 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 shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-