

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6027 of 2018**

1. Bhagwan Nayak S/o Dhanpati Nayak Aged About 20 Years R/o Village Michagaon, Thana Jungad, District Kalahandi Odisha, Orissa
2. Upendra Kata S/o Banta Kata Aged About 23 Years R/o Village Baldiya Thana Jungad, District Kalahandi Odisha, District : Kalahandi, Orissa
3. Vaishnav Nishad S/o Sube Vishal Nishad Aged About 20 Years R/o Village Baldiya Thana Jungad, District Kalahandi Odisha, District : Kalahandi, Orissa

---- Applicants

Versus

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

---- Respondent

For the Applicant	:	Shri Vikas Pradhan, Advocate
For the State	:	Shri R.K. Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**22/10/2018**

1. Counsel for the applicants submitted that he wants to withdraw the bail application regarding applicant No. 1 Bhagwan Nayak and applicant No. 3 Vaishnav Nishad, thus bail application with respect to applicant No. 1 Bhagwan Nayak and applicant No. 3 Vaishnav Nishad is dismissed as withdrawn without considering the merits of the case. Now bail application of applicant No. 2 Upendra Kata is pending before this Court.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No.154/2018 registered at Police Station Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.

4. Case of the prosecution, in brief is that on 05/04/2018 at Railway Station, Mahasamund Ashish Kansari, Sub Inspector, Police Station Mahasamund seized 10 Kgs. Cannabis from the applicant No. 2 Upendra Kata.
5. Counsel for the applicant No.2 submits that applicant No. 2 is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. He further submits that there is no antecedents against the applicant No.2.
7. Looking to the above mentioned 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 the benefit of Section 439 of the Cr.P.C. to the present applicant No.2 Upendra Kata.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is ordered that if the applicant No.2 Upendra Kata furnishes one solvent surety for a sum of Rs. 25,000/- along with personal bond of Rs. 25,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge