

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6063 of 2018**

Abhi Bhaishal S/o Shyamlal Bhaishal Aged About 30 Years R/o-
Himgir Road, Kanika, P.S. Himgir, District- Sundergarh (Oddisa)

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station- Thana Kotwali,
Raigarh, District- Raigarh, CG

---- Respondent

For applicant	Mr. Sanjay Agrawal, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****5-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 832 of 2015 registered in police station Kotwali, Raigarh (CG) for offence punishable under Section 20(b)(ii)(B) of the NDPS Act, 1985.
3. Prosecution story in brief is that on 23-10-2015 at about 4.30 pm in Jute Mill, Raigarh, Sub Inspector, PS Jute Millo seized 5.692 kg cannabis from possession of the applicant.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. He further submits that no criminal antecedent of the applicant has been reported against the applicant in the police case diary.
6. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to

the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge