

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6104 of 2018

- Bahoran Das S/o Phool Das Mahant Aged About 40 Years R/o- Shiv Shitla Mandir Dhangardipa Raigarh, Tahsil And District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Thana In-Charge, City Kotwali, District- Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Rajendra Tripathi, Advocate.

For Non-applicant : Ms. S. Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

27.09.2018

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. 897/2018 registered at Police Station – Thana City Kotwali, District – District Raigarh (C.G.) for the offence punishable under Section 20-B of NDPS Act.
3. Case of the prosecution, in brief is that on 19.07.2018 at about 21:20 hrs at Kewdabadi, police station – Raigarh ASI Dev Prasad Chouhan Police Station City Kotwali, Raigarh seized 1 Kg and 100 gm of canabbis 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, she 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