

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6866 of 2018**

Anil Dubey S/o Saktha Dubey Aged About 51 Years R/o Vivekanand
Ashram Ramkhund Police Station Azad Chowk Raipur District Raipur
CG

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station
City Kotwali Raipur District Raipur CG

---- Respondent

For applicant	Ms. Sunita Sahu, Adv.
For Respondent/State	Mr. R.K. Pandey, PL

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12-10-2018**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. His first bail application being MCRC No. 4272/2018 was dismissed by a coordinate bench vide order dated 3-7-2018 as withdrawn.
2. The applicant has been arrested in connection with Crime No.186/2018 registered in police station City Kotwali, Raipur, Distt. Raipur (CG) for offence punishable under Section 20(B) of the NDPS Act.
3. Prosecution story in brief is that on 6-6-2018 Sub-Inspector Tulsiram Sahu of Police Station Kotwali seized 4.400 of cannabis from 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. However, he submits that no criminal antecedent of the applicant is reported 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