

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6876 of 2018**

Chotelal Manjhi S/o Shri Ramprasad Aged About 35 Years Caste -
 Paswan R/o Hariharpur Police Station Jadupur, District Gopalganj,
 Bihar, Civil And Revenue District - Gopalganj, Bihar., District :
 Gopalganj, Bihar.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Nagarnaar, District -
 Bastar, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ajay Mishra, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.102/2017 registered at Police Station Nagarnaar, District Bastar (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
3. Case of the prosecution, in brief is that on 10/05/2017 at Dhanuunji forest barrier Assistant Sub Inspector, Kishore Kumar Joshi had seized 9.400 Kgs. Cannabis from the possession of the applicant.
4. Learned counsel for the applicant submits that he is innocent and 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. He further submits that there is no previous antecedents against the applicant.
6. 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.

7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. 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 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 cooperate during the trial, he shall be released on bail.

8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde