

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7246 of 2018**

Ashish Patnayak S/o Sudarshan Patnayak Aged About 28 Years R/o
Koulo Police Station Parjang Dostrect Dhenkanal Odisha, District :
Dhenkanal, Orissa .

... Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station
Tarbahar District Bilaspur Chhattisgarh, District : Bilaspur,
Chhattisgarh.

— Respondent

For the Applicants	:	Shri R.K. Dubey, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**03/12/2018**

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 learned counsel for the State in connection with the Crime No.391/2016 registered at Police Station Tarbahar, District Bilaspur (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
3. Case of the prosecution, in brief is that on 14/12/2016 Probationer DSP Amit Patel, Police Station Tarbahar, Bilaspur received the information from the informant that cannabis is transporting from Swift car bearing registration number OD/02/Y/4681. He made the blockade. The aforesaid car was stopped. The driver of the car was applicant. Another one person named Vibhuti Behra was also present in that car. From the possession of co-accused Vibhuti Behra 60 Kgs. of cannabis was seized.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that no cannabis was from the

applicant, thus he may be released on bail.

7. *Prima facie* it cannot be said that applicant was not transporting the aforesaid cannabis.
8. Looking to the above mentioned facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicants on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde