

NFAR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8103 of 2018

Dilkeshwar Sahu S/o Ghanshyam Sahu Aged About 28 Years R/o
Kailashpur, Police Station Ramanujnagar, District Surajpur Chhattisgarh,

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police of Police
Station Ramanujnagar, District Surajpur Chhattisgarh,

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate
For Respondent : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Vimla Singh Kapoor.

Order On Board

31/10/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who has been arrested in connection with Crime No. 144/2018 (wrongly mentioned as criminal case number in certified copy) registered at Police Station- Ramanujnagar, District Surajpur (C.G.) for the offence punishable under Section 20(B) of the NDPS Act.
2. As per prosecution case, on 02.09.2018 on the basis of information received from the informant that the applicant kept illegal contraband in his possession for the purposes of sell and on the basis of such information the applicant was searched and 1 Kg 200 grams contraband was recovered from him.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He submits that the mandatory provisions of NDPS Act has not been complied

with by the prosecution. He further submits that the applicant is in jail
02.09.2018, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed and the applicant is in jail since 02.09.2018, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Vimla Singh Kapoor)
Judge

Jyotishi/ Santosh