

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.128 of 2019**

Mohammad Rafique, son of late Jaan Mohammad, aged about 36 years, R/o Gangapur (Ramfal Thakur House) P.S. Gandhinagar District Surguja, Permanent R/o Marghertha Ward No.3, P.S. Maraar District Tinsukiya (Assam).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, P.S. Ambikapur, District Surguja (CG).

---- Non-applicant

For Applicant : Mr. Nishi Kant Sinha, Advocate
 For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.01.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.521/2018 registered in Police Station Ambikapur, District Surguja for the offence punishable under Section 21 B of Narcotic Drugs and Psychotropic Substances Act.
3. Case of the prosecution, in brief is that on 13.10.2018 at about 18:55 hrs. at near Sarbarbediya at village Haratikra, Sub Inspector Pramod Kumar Yadav seized 9.00 gm brown sugar (heroin) from the possession of the applicant.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. On the other hand, counsel for the State opposed the bail application however he submitted that there is no criminal antecedent is reported against the applicant in police case diary.
6. The allegedly seized quantity of brown sugar is more than small quantity and smaller than commercial quantity.
7. Looking to the above 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 application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs.25,000/- along with one personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that will not involve himself in any of the crime in future, he be released on bail.
8. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE