

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 611 of 2019**

Sanjay Kumar Tripathi S/o Birendra Kumar Tripathi Aged About 38 Years
Caste Brahman ,r/o Urai Police Station Kotwali District Jaloun Uttar
Pradesh ., District : Jalaun, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgrh Through Station House Officer ,police Station
Keshkal ,district Kondagaon Chhattisgarh., District : Kondagaon,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri N.K. Chaterjee, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/02/2019**

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.105/2017 registered at Police Station Keshkal, District Kondagaon (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
3. Case of the prosecution, in brief is that on 17/09/2017 Inspector Sharad Dubey posted at Police Station Keshkal seized 50.490 Kgs. Cannabis from the joint possession of the applicant, co-accused Sanjay Dwivedi and Iqbal Khan.
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, 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 applicant is in jail since long back, seizure witnesses have been turned hostile, alleged cannabis was not seized from the exclusive possession of the applicant, thus he may be released on bail.
7. Looking to the facts and circumstances of the case, looking to the huge quantity of the cannabis, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant, accordingly bail application is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge