

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 328 of 2019**

Harilal Bareth, aged about 44 years, son of Daduram, Caste Bareth, R/o village Pondidalha, Bhatapara, P.S. Akaltara, District Janjgir Champa (CG).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, District Janjgir Champa (CG).

---- Non-applicant

For Applicant : Mr. Vivek Singhal, Advocate.
For Non-applicant : Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other 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.304/2018 registered at Police Station Akaltara, District Janjgir Champa for the offence punishable under Section 20(A) of N.D.P.S. Act.
3. Case of the prosecution, in brief is that on 24.10.2018 at about 17:20 hrs. at village Odiganha Ram Sukh Pandey Sub-Inspector posted at police station Akaltara seized 04 cannabis plants from the courtyard of the applicant. As per physical verification the weight of seized cannabis plants was 5.400 kg.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.
7. 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 Trial 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 co-operate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-