

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 176 of 2019**

Vinayak Sahu @ B.D. Sahu S/o Late Nanhu Ram Sahu Aged About 28 Years Caste Teli, Village Sagarpur, P. S. And Tehsil Baikunthpur, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Baikunthpur, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 1 of 2019, registered at Police Station – Baikunthpur, District Koriya, Chhattisgarh for the offence punishable under Section 21(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case only for the reason that he was seen on the spot near the car from which the contraband has been seized. This

applicant was riding a separate motorcycle and was not one of the occupant of the car therefore, his implication is without any basis. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. 570 bottles each of 100 ml of Rex Cough Syrup which is prohibited under NDPS Act was seized from one car on 2.1.2019 from the possession of the co-accused persons. The case against this applicant is only that he was seen near the car. On seeing the police personnel approaching towards thie spot, he escaped on a motorcycle.

7. Considering the entire material present in the case-diary and also considering the fact that this applicant was having a separate conveyance, I am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge