

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1133 of 2019**

Rajesh Khatik S/o Kodu Khatik Aged About 33 Years R/o Tikrapara, P.
S. City Kotwali, District Bilaspur Chhattisgarh, District : Bilaspur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station City Kotwali, Bilaspur District Bilaspur Chhattisgarh, District :
Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Hemant Gupta, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/03/2019**

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.35/2019 registered at Police Station City Kotwali, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 20(B) of NDPS Act.
3. Case of the prosecution, in brief is that on 25/01/2019 at about 03.50 p.m. near the Mama-Bhanja Pond, Tikrapara, Bilaspur Sub Inspector H.R. Sidar posted at Police Station Kotwali seized 2 Kgs. Cannabis from the possession of the applicant.
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 six other criminal cases have been registered against the applicant out of which one under IPC, four under Gambling Act and one under Explosive Act.
6. Counsel for the applicant further submitted that applicant is Cracker Merchant. Offence of Gambling is related with the Diwali Festival, thus he may be released on bail.
7. Looking to the facts and circumstances of the case, looking to this fact that six other criminal cases have been registered against the applicant, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant. Accordingly, bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge