NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9587 of 2018

Foolchand Nirala, S/o Salikram Nriala, aged about 50 years, R/o Village Tilda, Dogra Chauki Lavan, Thana Kasdol, District Baloda Bazar Bhatapara (CG).

---- Applicant

Versus

State of Chhattisgarh, through Police Station City Kotwali, District Baloda Bazar (CG). **---- Non-applicant**

For Applicant : Mr. Samir Singh, Advocate.
For Non-applicant : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.01.2019

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.522/2018 registered at Police Station City Kotwali, District Baloda Bazar for the offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act.
3. Case of the prosecution, in brief is that on 30.08.2018 Inspector Ram Avatar Dhruw posted at police station Baloda Bazar seized 07 kg cannabis from the possession of the applicant.
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 prayer for grant of bail to the applicant. He further 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