

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9875 of 2018

Ashok Behera, son of Akul Behera, aged about 45 years, R/o S.R. NO.5, Jalsechana, Basti, Jeypur, District Koraput (Odisha). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Nagarnar, District Bastar (CG). **---- Non-applicant**

For Applicant : Mr. S.P. Sahu, Advocate
 For Non-applicant : Mr. I. Lakra, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.165/2018 registered in Police Station Nagarnar, District Bastar for the offence punishable under Section 20(B) of NDPS Act.
3. Case of the prosecution, in brief, is that on 09.10.2018 at about 20.50 hrs. Jitendra Kumar Joshi, A.S.I. posted at police station Nagarnar seized 22 kg cannabis from the possession of the applicant and other three co-accused persons.
4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. Counsel for the State would oppose the prayer for grant of bail. He would further submit that no criminal antecedent reported against the applicant in police case diary.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. Looking to the facts and circumstances of the case, looking to the huge quantity of cannabis seized from the possession of the applicant, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-