

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3896 of 2021

- Borjo Nayak S/o Ganpati Nayak, aged about 22 years R/o Avanti Vihar Rajeev Gandhi Nagar Telibandha, Thana Khamhardih, District Raipur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Patewa, District Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent/State	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/07/2021

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 107/2021 registered at Police Station Patewa, District Mahasamund (C.G.) for the offence punishable under Section 21 (b) of the Narcotic Drugs & Psychotropic Substance Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. He is in jail since 30/04/2021, charge-sheet has been filed and there is likelihood of delay in trial, therefore, prayer is made to release the applicant on bail.
3. Per contra, learned State counsel opposes the bail application and

submits that the quantity of contraband seized from the applicant is more than small quantity, therefore, the application may be rejected.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, a seizure of 5 kg cannabis was made from the possession of the applicant. Hence, this case.
6. Considered on the submissions. As the charge-sheet has been filed, trial is likely to take some time and the applicant has no criminal antecedent, therefore, I feel inclined to allow this bail application and release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge