

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6831 of 2017**

Rakesh Kumar Sinha, S/o. Vipin Kumar Sinha, Aged About 32 Years, R/o. Haldibadi, Nearby Old G.M. Office, Sadak Dafai, Police Station -Chirmiri, District -Korea, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station- Chirmiri, District -Korea Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/12/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.339/2017, registered at Police Station – Chirmiri, District – Korea (C.G.) for the offence punishable under Section 21 (B) of Narcotic Drugs and Psychotropic Substance Act.
2. It is submitted by the learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case. As alleged, the quantity of the prohibited drugs, seized from the applicant is less than commercial quantity. Applicant though has some criminal antecedents, but the previous cases against him are different in nature. Applicant is

in jail since 04.09.2017, the case is pending before the trial Court and the trial is likely to take sometime for its conclusion, hence prayed that applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that applicant has a previous criminal history having five cases against him under the provisions of gambling act and one case for the offence under Section 457 and 380 of the Indian Penal Code. Applicant has in this case without having any license or authority kept in his possession prohibited drugs, which was solely for the purpose of sale, the offence charged against the applicant is serious in nature, for this reason, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The brief facts of the case are that on the date of incident on search being made by the police personnel of the Police Station – Chirmiri, applicant was found in possession of 34 bottles of Cough Syrup of Codeine Phosphate and Triprolidine Hydrochloride Syrup, 9 strips of Alprazolam tablet and 4 strips of Spasmoproxyvon plus. These drugs are prohibited under the schedule of N.D.P.S. Act on the basis of which, case was registered against him.
6. Considered the submissions and the contents of the case diary. It is true that applicant has criminal history, but as stated by the counsel for the applicant only one case under the provisions of I.P.C. is pending against the applicant and this is the first case of this nature against the applicant. In the present situation, the trial is going on, which is likely to

take sometime for its conclusion, the applicant is local residents of District – Korea, his availability, before the trial Court can be ensured and also looking to his period of detention in jail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge