

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5992 of 2017**

Pappu Shrivastava @ Guddu S/o Raj Kumar Shrivastava, Aged About 30 Years R/o Magarpara P.S. Civil Line Bilaspur Civil And Revenue District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Civil Line, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P.K. Tulsyan, Advocate.
For the Respondent/State	:	Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.01.2018**

Heard.

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. 390 of 2017, registered at Police Station Civil Lines, District Bilaspur, Chhattisgarh for the offence punishable under Sections 21(b) and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The drugs, as alleged to have been seized from the applicant are Rexogesic Injection containing Buprenorphine is within the limit of small quantity and the other drug Nitrosan Tablet containing Nitrazepam is more than small quantity and less than commercial quantity. It is also submitted that the applicant has a good case to defend and no case

is made out against him on the basis of the material placed before the Court by the prosecution. The applicant is a local resident and he is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant 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 there are previous criminal antecedents and four criminal proceedings under Chapter 8 of Code of Criminal Procedure, 1973 were drawn up against him. Hence, for these reasons, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The scooty of the applicant was searched by the police personnel of police station Civil Lines, Bilaspur and the contraband was found in the dikky of the said scooty.

6. Considering the submissions and the contents of the case-diary, taking into consideration the fact that the applicant is a local resident of District Bilaspur and there shall be no difficulty in his availability during trial, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local 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

Nimmi