

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3411 of 2018**

Ajay Kumar Chauhan, S/o Ram Nagina Chauhan, aged about 37 years, R/o Titurdih, in front of Shahid Bhagat Singh School, P.S. Mohan Nagar, Durg Tahsil & Dist. Durg (C.G.).

**---- Applicant**

**Versus**

State of Chhattisgarh, Through- Police Station Mohan Nagar, Dist. Durg (C.G.).

**---- Respondent**

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| For Applicant  | : | Mr. Arvind Dubey, Advocate                |
| For Respondent | : | Mr. Neeraj K. Sharma, Dy. Govt. Advocate. |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order on Board**

**21/06/2018**

1. The applicant has preferred Second bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 37/2018 registered at Police Station- Mohan Nagar Dist. Durg (C.G.) for the offence punishable under Section 8/22 (B) of NDPS Act.
2. The first bail application of the applicant was dismissed as withdrawn with a liberty to file a fresh application after one month on 12/04/2018 in MCRC No. 1185/2018.
3. As per prosecution story on 21/01/2018 on the basis of information received from the informant, police has searched the house of the applicant/accused and seized prohibited medicines and drugs from the possession of the applicant/accused. Offence under Section 8/22 (B) of the NDPS Act was registered and the applicant/accused was taken into custody on 21/01/2018. Thereafter, an application for releasing

the applicant on bail was filed under Section 439 of Cr.P.C., which was dismissed as withdrawn with the liberty to file a fresh application after one month on 12/04/2018 in MCRC No. 1185/2018, therefore, this second bail application has been moved.

4. Learned counsel appearing on behalf of the applicant submits that the charge-sheet has already been filed, trial will likely to take some time and the seized prohibited medicines and drugs does not come under the purview of commercial quantity. He further submits that the applicant is in custody since 21/01/2018, he is also suffering from HIV, therefore, proper and better treatment is required to him. He prays for releasing of the applicant on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly, the fact that charge-sheet has already been filed, the drugs seized does not come under the purview of commercial quantity and the applicant is suffering from HIV, therefore, I am inclined to release the applicant on bail.
8. Accordingly, MCRC. No. 3411/2018 is allowed. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-  
**Judge**  
**Arvind Singh Chandel**