

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4910 of 2020

Jwala Chaturvedi S/o Inderman Chaturvedi, Aged About 31 Years R/o Near
Peetal Karkhana, Ward No. 7 Balodabazar, District Balodabazar Bhatapara
Chhattisgarh
---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali District
Balodabazar Chhattisgarh
---- Respondent

For Applicant	:	Smt. Renu Kochar, Advocate
For Respondent/State	:	Smt. Fouzia Mirza, Additional A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/11/2020

Heard.

1. The applicant has been arrested in connection with Crime No.422 of 2020 registered at Police Station- City Kotwali, District Balodabazar Bhatapara (CG) for the alleged commission of offence under Section 21 (c) & 22 (B) of NDPS Act.
2. Case of the prosecution is that upon receipt of information 720 capsules of Spas-Trancan Plus' were seized from the possession of the applicant containing 36 grams of prohibited psychotropic substance namely 'Tramadol'.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the alleged commission of offence. There are serious discrepancy in the matter of weighment and assessment of the commercial quantity. The FSL report has also not been received. Further submission is that the applicant has been arrested and he is in jail since 07.07.2020, investigation is complete, charge-sheet has been filed, therefore, the applicant may be granted bail.
4. On the other hand, learned counsel for the State opposes the prayer and submits that the prosecution document with regard to seizure of the

psychotropic substance 720 number of capsules are containing more than small quantity though less than commercial quantity, therefore, prima facie case is made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the total quantity of psychotropic substance stated to be 36 grams only and further taking into consideration maximum punishment which may be awarded for the aforesaid quantity which is less than commercial quantity and then investigation is complete, charge-sheet has been filed, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (iii) If the applicant is found involved in the similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge