

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7840 of 2019**

- Vinod Kumar Nirmalkar S/o Shri Harprasad Nirmalkar Aged About 38 Years R/o Kohroda, Police Station Masturi, District Bilaspur, Chhattisgarh.,

---- Applicant**Versus**

- The State Of Chhattisgarh Through Station House Officer Of Police Station City Masturi, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Ms.Shivali Dubey, Advocate.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.459/2019, registered at Police Station - Masturi, District Bilaspur (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution story, in brief, is that the police of police station Masturi, acting on a tip-off, seized 1.257 kilogram contraband article cannabis from the possession of the applicant. Based on this, offence has been registered against the applicant. Present applicant has been taken into custody on 28.10.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. She also submits that the applicant is in custody since 28.10.2019, the

charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the quantity of ganja, and further considering the fact that the applicant is in custody since 28.10.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge