

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7789 of 2019**

- Ishwar Prasad Anand S/o Hori Lal Anand, aged about 49 years, Occupation – Business, R/o Near Bus Stand, Village – Chaitma, P.S. & Tahsil Pali, District Korba (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Pali, District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07/01/2020**

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.228/2019, registered at Police Station – Pali, District Korba (C.G.) for the offence punishable under Section 22 (B) of N.D.P.S. Act.
2. The prosecution story, in brief, is that on 05.11.2019, acting on a tip-off, the police personnel searched the house of the applicant and seized 320 nos of Spasmo-Proxyvon plus capsules containing contraband drug namely Tramadol Hydrochloride. Based on this, offence has been registered against the applicant. Applicant has been taken into custody on 05.11.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the quantity of seized contraband (16

grams) is less than the commercial quantity and the applicant has no previous antecedent. He also submits that mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. He further submits that the wife of applicant is suffering from serious physical ailments and the Doctor has recommended to show her in Super Specialty Hospital, which is not possible in absence of responsible male person. It is next submitted that the applicant is in custody since 05.11.2019 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 opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of offence, quantity of contraband and further considering the fact the applicant has no previous criminal antecedent, applicant is in custody since 05.11.2019 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/- (Rs. Fifty Thousand only) 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.

Sd/-

(Rajani Dubey)
Judge