

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2157 of 2019

- Ajay Kumar Chauhan S/o Ramnagina Chauhan Aged About 39 Years R/o 472, Titurdih, Ward No. 19, Durg, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S.- Maudhapara, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Smita Ghai, Advocate.
For Respondent/State	: Mr. Amit Kumar, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

07/02/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 226/2019, registered at Police Station Maudhapara, Distt. Raipur (C.G.) for the offence punishable under Section 21-B of the NDPS Act.
2. As per prosecution story, on the basis of information received from an informant, a raid was conducted by Police Officials of Police Station Maudhapara, Distt. Raipur (C.G.), on being searched, total 208 capsules which contained prohibited drug Tramadol Hydrochloride (total weight 10.4 gram) have been seized from the possession of co-accused persons Shobharam and Bheem @ Suraj Neware. It has been disclosed by co-accused Bheem @ Suraj Neware that the said capsules have been purchased by him from the shop of present applicant. Hence, this anticipatory bail application.
3. Learned Counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that only on the basis of memorandum statement of co-accused Bheem @ Suraj Neware, the applicant has been implicated in the crime in question. *Prima Facie* it is not established

that the said prohibited capsules have been purchased from the shop of present applicant. The Counsel further submits that the applicant is suffering from HIV positive and his medical treatment is also going on and with regard to his treatment, he has also annexed the medical documents. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the Counsel appearing for the parties and further considering the fact that the applicant is suffering from HIV positive. Without further commenting on other merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge