

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 213 of 2020**

- Jitendra Kumar Kewat S/o Late Rajman Kewat Aged About 35 Years, R/o Village Kochila, Police Station Patna, District - Koriya, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : S H O, Police Station Bishrampur, District - Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ashok Kumar Shukla, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/02/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 259/2019 registered at Police Station Bishrampur, District-Surajpur (C.G.) for the offence punishable under Section 21-C of the NDPS Act.
2. The prosecution story, in brief is that, on the basis of information received by the informant, police personnel searched the motorcycle of the applicant bearing registration No. CG-16-CF-6157 and seized 70 ampoule of Avil and 70 ampoule of Raxojestic from the possession of the present applicant. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the quantity of seized

contraband is less than the small quantity. He also submits that the mandatory provisions of the NDPS Act has not been complied with in the present case. He next submits that the co-accused has already been granted bail in MCRC No. 8381/2019 so, the present applicant may also be granted benefit of bail. The applicant is in jail since 07.11.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the co-accused has already been granted bail and the applicant is in jail since 07.11.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**