

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 152 of 2021**

Yaman Chandrakar S/o Balla Ram Chandrakar Aged About 22 Years
Resident Of Ward No. 68, Nishad Para, Mahadev Ghat Road, Raipura,
Police Station DD Nagar, Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Saraswati Nagar, Raipur,
Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Rajesh Kumar Tiwari, Advocate.
For the Respondent/State : Shri Sameer Oraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.06.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.176 of 2020, registered at Police Station – Saraswati Nagar, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.11.2020 and has been falsely implicated in this case. Similarly placed co-accused – Ashfak Husain has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 9060 of 2020, vide order

dated 05.04.2021. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that huge quantity of medicines were seized from this applicant and another co-accused Harpreet Singh and the weight of psychotropic substance is not specified in the FSL report, therefore, time may be granted to verify the same. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. Seizure of 192 nos. of Spasmo-Proxyon Plus Capsules and 18 strips of Alprazolam tablets 0.5 mg, in total 270 tablets was made in possession of this applicant and co-accused – Harpreet Singh. Hence, this case.

6. Considered the submissions and the facts present in this case. As there is no calculation of weight of the contraband made in this case by the FSL, time cannot be granted for making further verification and the trial in this case is lingering and also considering the fact that the co-accused has been granted bail by the Co-ordinate Bench of this Court, hence, I am of the view that the applicant should be benefited with grant of regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge