

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 976 of 2021

- Malay Sahu S/o Narendra Sahu, Aged About 38 Years, Resident of Kudhrenpali, Post Lakhmara, Police Station Jagdalpur, District Bargarh Odisha., District : Bargarh, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For State/Non-applicant – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 17-01-2021 in connection with Crime No.28/2021 registered at Police Station – Basna, District Mahasamund, Chhattisgarh for the offence under Section 21 of Narcotic Drugs and Psychotropic Substances Act and Section 25 & 27 of Arms Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. He is in jail since 17-01-2021. The trial is not making any progress. The offence as alleged against the applicant has not been committed by him. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the psychotropic substance that has been seized from the possession of the applicant amounts to commercial quantity. Apart from that, the applicant was also found in possession of a country-made pistol and live cartridge. Therefore, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, police personnel have made seizure of

792 numbers of Pyeen Span Plus capsules and 344 numbers of Spasmo Troxyan Plus capsules along with one country-made pistol and a live cartridge, on the basis of which this case has been registered against this applicant.

6. Considered on the submissions. Looking to the reason that trial against this applicant is not making any progress and there appears to be no criminal antecedent against him, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge