

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 973 of 2021

- Jitendra Yadav S/o Late Sukhram Yadav, Aged About 28 Years Occupation Labour, Caste Ahir, R/o Village Shrigarh (Near Mahadev Taalab), Police Station And Tehsil Ambikapur, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Office Thana Ambikapur , District Surguja Chhattisgarh. (Wrongly Mentioned Sadar In Cause Title Of Order Sheet)

---- Respondent

For Applicant	: Shri SS Rathore, Advocate
For Respondent/State	: Shri Anand Verma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

01.04.2021

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.46 of 2021 registered at Police Station Ambikapur, District Surguja, CG for the offence punishable under Section 21(a) of the NDPS Act.
2. Case of the prosecution in brief is that on 11.01.2021, when the Police of Police Station Ambikapur was on Patrolling duty, they intercepted the applicant and upon search, recovered 525 tablets of Anzilium, Alprazolam, Spasmo Proxyvon Plus and Dicyclomine Hydrochloride IP and based on the seizure, above crime was registered against the applicant.
3. Shri SS Rathore, learned counsel for the applicant submits that the offence registered against the present applicant is under Section 21(a) of the Act, which is for possession of drug of small quantity. He submits that Charge-sheet in the case has already been filed. He submits that maximum

punishment provided under the offence is of one year, or with fine.
Applicant is in jail since 11.01.2021.

4. Shri Anand Verma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that applicant has been found in possession of drug substance of 525 tablets, hence he is not entitled for the benefit under Section 439 of the CrPC at this stage. On specific query with regard to criminal antecedents of the applicant, he submits that as per the material available in the case diary, there is no criminal antecedents against the present applicant.

5. I have heard learned counsel for the parties.

6. Considering the nature of allegations levelled against the applicant, provision under which offence was registered, period of detention and further considering the submission made by learned counsel for the State that there is no criminal antecedents of the applicant, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing a bail bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma