

HIGH COURT OF CHHATTISGARH AT BILASPURMCRC No. 960 of 2021

1. Rajkumar Gupta S/o Late Kushal Chand Gupta, Aged About 35 Years R/o Village Lapta, P.S. Tejhari, District Anuppur (Madhya Pradesh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Station House Officer, P.S. Marwahi, District Gaurellah- Pendra- Marwahi (Chhattisgarh)

---- **Respondent**

For applicants	:	Shri Shailendra Dubey, Advocate.
For resp./State	:	Shri Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam KoshyOrder on Board19/05/2021

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 04/2021 registered at Police Station Marwahi, District Gaurellah- Pendra- Marwahi (C.G.) for the offence punishable under Section 20 B N.D.P.S. Act.
2. The present applicant is in jail since 07.01.2021 as per the prosecution case the present applicant is said to have been found in possession of 7 kgs and 500 grams of cannabis on 07.01.2021.
3. The counsel for the applicant submits that the present is the first offence committed by the present applicant and that the quantity of contraband seized also is too small a quantity. Moreover, he has already suffered incarceration for a period of more than five months, therefore considering the entire facts and circumstances of the case and also taking note of pandemic situation, the applicant be released on bail.

4. The State Counsel however opposing the bail application submits that considering the fact that the quantity of contraband seized was more than 7.5 kgs and the custody period being only five months, the applicant be not released on bail.
5. Having heard the contentions put forth on either side and on perusal of records particularly taking note of the period of custody already undergone and also taking note of the pandemic situation prevailing and also the submission of the learned counsel for the applicant that the present is the first offence registered against the present applicant, this Court is of the opinion that a strong case for grant of bail has been made out.
6. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on executing a personal bond for a sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-

(P. Sam Koshy)
VACATION JUDGE