

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1325 of 2021**

Prithavi Singh @ Sonu Sardar S/o Bhupendra Singh,
Aged About 33 Years, R/o Near Syam Building Lodhi Para
Ward No. 58, Urla Durg, Thana Mohannagar District Durg
Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Mohan Nagar Thana
Police of Police Station Mohan Nagar District Durg
Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Manish Souja, Mr. Shiv Kumar Banjare &
Ms. Smriti Shrivastava, Advocates on behalf of
Mr. Jitendra Gupta, Advocate
For Non-applicant : Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****24.03.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 06.10.2020 in connection with Crime No.330 of 2020 registered at Police Station Mohan Nagar District Durg (C.G.) for commission of the offence punishable under Sections 21, 27(A) of NDPS Act.
2. Case of the prosecution, in brief, is that on 06.10.2020, Police of Police Station Mohan Nagar, Durg received a secret information that one Sonu Sardar is in possession of Brown Sugar. On the basis of said information, applicant was intercepted and from his possession, 15-16 small chaff of

Brown Sugar were seized. The total weight of Brown Sugar has been measured as 12.850 Grms along with paper, based upon which, crime was registered and present applicant was arrested on 06.10.2020.

3. Learned counsel for the applicant submits that alleged seizure of the Brown Sugar is less than small quantity as mentioned in the schedule. The weight as mentioned in the impugned order of 12.850 Grms is the weight along with paper and weight of Brown Sugar exclusively is of 3.500 Grms., which is less than the small quantity as per schedule, which is 5 Grms.
4. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that narcotic psychotropic substance has been recovered from the exclusive possession of the present applicant, against him, one another offence is registered in the same police station, hence, applicant is not entitled for grant of bail.
5. Upon putting specific query of the nature of offence registered against the applicant, he submits that other offence registered against the applicant was under Section 294, 506 of the IPC bearing Crime No.550 of 2016.
6. I have heard learned counsel for the parties.
7. Taking into consideration the quantity of narcotic psychotropic substance recovered from the possession of present applicant, further that there is no other offence registered

against him of similar nature and he is in jail since 06.10.2020, I am inclined to release applicant on regular bail.

8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) He 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