

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1359 of 2021**

Prince Soni, S/o. Ramratan Soni, aged about 24 years, R/om Soni Mohalla, Gandhinagar, Police Station Gandhinagar, District Surguja Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Police Station Gandhinagar, District Surguja Chhattisgarh.

---- Respondent

For Applicant : Mr. V.K. Pandey, Advocate

For Respondent/State : Mr. Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/06/2021

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.417/2020, registered at Police Station – Gandhinagar, District – Surguja (C.G.) for the offence punishable under Section 22 (b) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 27.10.2020. Charge-sheet in this case has been filed and the trial is not making any progress. Therefore, it is prayed that the applicant may be released 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 the applicant has previous criminal record as he has 8 criminal cases registered against him under various provisions of Indian Penal Code, therefore, he is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 9.1 gram brown sugar was seized from the possession of this applicant, which is although more than small quantity but less than commercial quantity.
6. Considered on the submissions and the facts of the case. The applicant does not have any criminal record under the provisions of Narcotics Drugs and Psychotropic Substance Act and further the trial is getting delayed because of continuing pandemic situation and the applicant is in jail since more than 6 months, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge