

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1337 of 2021

- Umashankar Shrivastava S/o Late Durgaprasad Shrivastava Aged 52 Years Village Amapara Kanker Tehsil and Police Station Kanker District Uttar Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Kanker, District Uttar Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Non-applicant

For Applicant – Shri Achyut Tiwari, Advocate.

For State/Non-applicant – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-06-2021

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 26-01-2021 in connection with Crime No.33/2021 registered at Police Station – Kanker, District Uttar Bastar Kanker, Chhattisgarh for the offence under Section 22 of Narcotic Drugs and Psychotropic Substances Act.
2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail since 26-01-2021. The applicant has not committed any offence as alleged against him. Charge sheet has been filed. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant has previous criminal antecedent and according to that there are six cases registered against him under the N.D.P.S. Act, apart from the other police cases against him. Therefore, he is not entitled for grant of bail.
4. In reply it is submitted by learned counsel for the applicant that as per the instructions received from the client, there is no conviction standing against

the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. Police personnel of Police Station Kanker, District Uttar Bastar Kanker made seizure of 13 strips of Tramadol Hydrochloride (spasmoplus) capsules weighing 40.040 grams, 490 tablets of Alprazolam weighing 245 mg. The quantity of Tramadol Hydrochloride (spasmoplus) is more than small quantity but less than commercial quantity, whereas, the quantity of Alprazolam is within the small quantity.

7. Considered on the submissions. Although the applicant has criminal record, but there is no conviction against him. So far in the present case, charge sheet has been filed and the case is now pending for trial. Progress in the trial is held up because of the pandemic situation. Hence, for these reasons, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge