

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1311 of 2021**

- Michael Masih, S/o Jibran Masih, Aged About 28 Years, Caste-Christian, R/o Tikrapara, Kanker, Tahsil- Kanker, District North Bastar Kanker, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Kanker, District North Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicant	: Mr. K. K. Pandey, Adv.
For Respondent/State	: Mr. H. S. A. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09.04.2021**

1. The matter is heard through video conferencing.
2. The accused/applicant has moved this **first bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 42/2021 registered at Police Station- Kanker, District North Bastar Kanker (C.G.) for the offence punishable under Section 22 of the N.D.P.S. Act.
3. The prosecution story, in brief is that, police personnel seized 117 pieces of Dicyclomine hydrochloride, Tramadol hydrochloride and Acetaminophen Capsule, one packet Alprazolam tablets IP 0.5 Mg wrapper containing 473 pieces tablets from the possession of present applicant. Thereafter, offence has been registered against the present applicant.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the seized quantity of contraband material is less than the commercial quantity and no

antecedent has been registered against the applicant and he is in jail since 02.02.2021, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the records.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that seized quantity of contraband material is less than the commercial quantity, no antecedent has been registered against the applicant and he is in jail since 02.02.2021, the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi