

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1619 of 2021**

- Ramkumar Vishwakarma, S/o Mahendra Vishwakarma, Aged About 27 Years, Cast Lohar Occupation Driver R/o Village Ward No. 1 Gopalpur Police Station Tahsil & District Surajpur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through SHO Police Station Ramanujnagar District Surajpur Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok K. Shukla, Adv.
For Respondent/State : Ms. Fouzia Mirza, Additional Advocate General.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****12.05.2021**

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. 55/2021 registered at Police Station- SHO, Police Station Ramanujnagar District Surajpur (C.G.) for the offence punishable under Section 21-C of the N.D.P.S. Act.
3. The prosecution story, in brief is that, on 01.02.2021, on the basis of secret information, police personnel seized total 45 pieces of Onerex Cough Syrup 100 ml amounting to Rs. 5400/- from the possession of applicant. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
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 psychotropic substance falls within the category of small quantity and he is in jail since 01.02.2021, 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 psychotropic substance is under small quantity and applicant is in jail since 01.02.2021, 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)
Vacation Judge**

Ruchi