

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2079 of 2021**

- Prakash Gupta, S/o Shivnarayan Gupta, Aged About 34 Years, R/o Maharaja Pratap Chowk (Khalpara) Ambikapur, Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O. Police Station- Gandhinagar, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Pathak, Adv.
For Respondent/State	: Mr. Devesh Verma, G.A.

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. 346/2020 registered at Police Station- Gandhinagar, Ambikapur, District- Surguja (C.G.) for the offence punishable under Section 22 (B) of the N.D.P.S. Act.
3. The prosecution story, in brief is that, police personnel seized total 10 grams of brown sugar 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 prosecution witness has not supported the prosecution case and turned hostile, seized quantity of brown sugar is less than the commercial quantity and he is in jail since 22.09.2020, 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 prosecution witness has not supported the prosecution case and turned hostile, seized quantity of brown sugar is less than the commercial quantity and the applicant is in jail since 22.09.2020, 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. 1,00,000/-, 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