

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2282 of 2021

- Vinod Tiwari, S/o Markande Tiwari Aged About 25 Years R/o Camp -1 Bhilai, Police Station Chawani, Bhilai, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station Civil Line Raipur, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	:	Mr. Lalit Jangde, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

19/05/2021

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.493/2020 registered at Police – Civil Line - Raipur (C.G.) for the offence punishable under Section 21 (B) of the NDPS Act.
2. It is submitted that the applicant has been falsely implicated in this case. The charge sheet has been filed and the applicant is in jail since 06.12.2020, hence, it is prayed that he may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear evidence against the applicant in committing the

offence, therefore, the applicant 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 prosecution case, 30 strips of Naitravet 10 tablets were seized from the possession of the applicant, which had contents of Nitrazepam which is a drug prohibited under NDPS Act. The total weight of the tablets was 235.8 grams which is more than small quantity but less than commercial quantity.
6. Considered on the submissions. The applicant is languishing in jail since 5 months, the charge sheet has been filed and the pandemic situation is continuing, under these circumstances, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge