

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2615 of 2021

- Khameshwar Sahu @ Kali S/o Late Santram Sahu Aged About 23 Years Resident Of Ramoshwar Nagar, Beside Sindhi Garage Wali, Bhanpuri, Police Station Khamtarai, District Raipur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, Raipur , District Raipur Chhattisgarh

---- Respondent

For Applicant	Mr. CR Sahu, Advocate
For Respondent /State	Mr. VR Tiwari, Additional Advocate General With Mr. Vikram Sharma, Dy. GA

Proceedings through Video Conferencing

SB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. CJ
Order On Board

13/7/2021

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.141/2021 registered at Police Station Khamtarai, District Raipur (CG) for the offence punishable under Section 20-B of the NDPS Act.
3. The applicant was found in illicit possession of 1 Kg of Ganja and 132 tablets of Nitrazepam psychotropic substance during search on 1.3.2021. As per the order passed by the trial Judge,

the small quantity of Nitrazepam is 20 gram and its commercial quantity is 500 gm. 132 tablets of Nitrazepam recovered from the applicant carries weight of 72.6 gram, which is more than the small quantity, but less than 1/5th of the commercial quantity.

4. Learned counsel for the State would oppose the bail application. However, he would submit that the concerned SHO has not reported any previous antecedents of commission of crime under the NDPS Act.
5. Considering the quantity of contraband recovered from the applicant and for the fact that the applicant is in jail since 1.3.2021 and the charge sheet has already been filed, this Court is inclined to release the applicant on regular bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Acting Chief Justice