

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2911 of 2021

- Anil Kumar Pandey S/o Rajendra Prasad Pandey, Aged About 29 Years, Occupation- Student, R/o Batauli, P.S.- Sidhi, District- Sidhi, Madhya Pradesh., District : Sidhi, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh, Through the Police Station-Chirmiri, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Anuroop Panda, Advocate.

For State/Non-applicant – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 17-03-2021 in connection with Crime No.88/2021 registered at Police Station – Chirmiri, District- Koriya, Chhattisgarh for the offence under Section 22 (C) of the N.D.P.S. Act.
2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. There is no seizure of any contraband from possession of this applicant, although the seizure has been made from other co-accused persons. The applicant had no knowledge about the article in possession of the co-accused persons. He is in jail since 17-03-2021. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant was conscious of this fact that the co-accused persons were having in their possession of contraband in commercial quantity. Therefore, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. On the date of incident the police personnel stopped a motorcycle bearing registration No. UP 64 U 3211 which was being driven by this applicant

with two pillion riders sitting behind him. In total 1584 capsules of Spasmo Proxyvon having content of prohibited drug Tramadol were seized jointly. Total weight of the seized medicine was 609.84 grams. Seizure of motorcycle was made from the possession of this applicant.

6. Considered on the submissions. There is no direct seizure of the contraband from possession of this applicant. The applicant is in jail since about three months and still charge sheet has not been filed. Hence, taking into consideration all these facts, in particularly that there is no seizure of any contraband from this applicant, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge