

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3062 of 2021

- Jwala Chaturvedi S/o Inderman Prasad Chaturvedi Aged About 35 Years R/o Behind Peetal Karkhana, Balodabazar, P. S. And District Baloda Bazar Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station City Kotwali, District Baloda Bazar Chhattisgarh

---- Non-Applicant

For Applicant : Mr. Rahil Arun Kochar, Advocate

For State/Non-Applicant : Mr. Sameer Oraon, Government Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14.07.2021

1. Heard.
2. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 110 of 2021, registered at Police Station– City Kotwali, District - Balodabazar (C.G.), for the offence punishable under Section 22 (B) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
3. It is submitted by the learned counsel for the Applicant that the applicant has been falsely implicated. He has not committed any offence. The Applicant is in jail since 09.02.2021. Charge-sheet has been filed. Therefore, it is prayed that the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application submitting that applicant has criminal antecedents of 5 previous cases against him, out of which 2 of the previous cases are under NDPS Act, therefore, he is not entitled to grant bail. His bail application may be rejected.
5. In reply, counsel for the Applicant submits that in one of the cases under NDPS Act this Applicant has been acquitted whereas in another case which is pending, this Applicant is on bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. On the date of incident 960 capsules of "SPASMO PROXYVON-PLUS" were found and seized from the possession of this Applicant. Since the medicine has content of Tramadol which is prohibited under NDPS Act, hence this case.
8. Considered on the submissions. As the quantity of the seized article is more than small quantity, but less than commercial quantity and for the reason that the case is now pending for the trial and also that in one of previous case under NDPS Act, the Applicant has been acquitted while in another case he is on bail, therefore, I am inclined to allow this application.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Chandra