

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3055 of 2021**

- Omprakash Bhoi S/o Markand Bhoi Aged About 29 Years Caste- Kolta, Resident Of Village Bhuthiya, Police Station- Saraipali, District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station- Saraipali, District - Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Raghvendra Pradhan, Adv.
For Respondent/State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/06/2021**

The matter is heard through video conferencing.

Heard.

Admit.

1. 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. 168/2021 registered at Police Station Saraipali, District- Mahasamund (C.G.) for the offence punishable under Sections 20(A), 20(B) and 21 of the Narcotic Drugs and Psychotropic Substances Act.
2. The prosecution story, in brief is that, police personnel searched and seized 18 pieces ESKUF Cough Syrup, 5 pieces WINCREX Syrup, 2 kg. cannabis and 4 pieces small cannabis plant 600 gm. from the illegal possession of the applicant. Thereafter, offence has been registered against the present applicant.

3. 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 the applicant is running Kirana Shop and during lock-down period, the shop of the applicant was closed and on this time, the police officials demanded goods from the applicant's shop, which was refused by the applicant, due to which, the police officials have falsely implicated the applicant in this case. He also submits that the applicant is in jail since 04.05.2021, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the applicant is in jail since 04.05.2021 and 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- 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)
Vacation Judge