

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3123 of 2021

- Navin Verma S/o Bahur Singh Verma, aged about 30 years R/o Banjari Nagar, Police Station D.D. Nagar, Raipur, District Raipur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer, Police Station: D.D. Nagar, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. S.P. Sahu, Advocate
For Respondent/State	:	Mr. Sameer Uraon, Govt. Advocate

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

09/07/2021

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. 01/2021 registered at Police Station D.D. Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Section 21 (b) of the Narcotic Drugs & Psychotropic Substance Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. The applicant is in jail since 31/12/2020, charge-sheet has been filed, trial is not making any progress and co-accused Shaikh Sarfaraz has been released on bail by the coordinate bench of this High Court by order dated 09/04/2021 passed in MCRC No. 2001/2021, therefore, this applicant may also be enlarged on bail.

3. Per contra, learned State counsel opposes the bail application and submits that the applicant is the person from whose possession contraband (Charas) has been seized. It is further submitted that looking to the criminal antecedents of this applicant, which are four previous cases for commission of offences under IPC and one case for commission of offence under Excise Act, this bail application may be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, a seizure of 130.370 grams of Charas (psychotropic substance) was made from the possession of the applicant. Hence, this case.
6. Considered on the submissions. Although this applicant has criminal antecedents, but he is not earlier prosecuted for any offence under NDPS. Further, he is in jail since 31/12/2020 and the trial is likely to take some time. For these reasons, I feel inclined to allow this bail application and release the applicant on bail.
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)
Judge