

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3483 of 2021**

1. Shubham Gupta, S/o Balmukund Gupta, aged about 25 Years, Occupation - Private Job, Caste Baniya, R/o Village Baneya, P.S. and Tehsil Sitapur Presently Residing at Village Gandhinagar, Tehsil Ambikapur, District Surguja (Chhattisgarh).
2. Sourabh Daniel, S/o Basant Daniel, aged about 30 Years, Occupation - Private Job, R/o Village Nimdha, P.S. and Tehsil Mahrwahi, District Gorela-Pendra Presently Residing at Darripara, P.S. and Tehsil Ambikapur, District Surguja (Chhattisgarh).

----Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, P.S. Sadar Ambikapur, District Surguja (Chhattisgarh).

----Non-applicant

For Applicants	Shri Shakti Raj Sinha, Advocate.
For State	Shri Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

02/08/2021

1. The matter is heard through Video Conferencing.
2. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.410/2021 registered at Police Station Sadar Ambikapur, District Surguja, C.G. for the offence punishable under Sections 420, 511 read with 34 of Indian Penal Code and Section 51 of the Disaster Management Act.
3. Allegation against the present applicants is that they were found

in illegal possession of Remdesivir injection being used at the relevant time for treatment of *coronavirus* disease.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime. He submits that applicants are languishing in jail since 29.04.2021, charge sheet has already been filed, they have no criminal antecedents and conclusion of trial is likely to take some time.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicants, the detention period of the applicants, who are 25 & 30 years old, charge sheet has been filed and the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh