

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3662 of 2021

- Diwakar Deewan S/o Sadanand Deewan Aged About 26 Years, R/o Kumharpara Jagdalpur District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: The Police Station Kotwali/Jagdalpur District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Mr. Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-07-2021

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 23-09-2020 in connection with Crime No.430/2020 registered at Police Station – Kotwali, District Bastar, Chhattisgarh for the offence under Section 21 of Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. The applicant is in jail 23-09-2020. Co-accused Naveen Jha and Kishore Das have been granted bail by coordinate Bench in MCRC No.7888 of 2020 and MCRC No.8186 of 2020 vide order dated 28-01-2021. The applicant is also similarly placed. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the quantity of the contraband is more than small quantity and less than commercial quantity, but prima facie case is made out against the applicant. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. On the date of incident 720 capsules of Pyeevon spas plus Dicyclomine HCL, Tramadol HCL & Acetaminophen, in total weighing 36 grams were seized from the possession of this applicant and the co-accused persons.
6. Considered on the submissions and taking into consideration that similarly placed co-accused persons have been granted bail by the coordinate Bench of this Court, therefore, 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