

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3892 of 2021

- Mahendra Gupta S/o Late Mool Chand Gupta, aged 36 years R/o Village Girvar P.S. Mazguva, Distt. Hamirpur (U.P.)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Uttam Pandey, 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. 129/2021 registered at Police Station Durg, District Durg (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. He is in jail since 11/02/2021, charge-sheet has been filed and trial is not making any progress due to pandemic situation, therefore, prayer is made to release the applicant on bail.
3. Per contra, learned State counsel opposes the bail application and submits that the applicant was in company of two other accused

persons and recovery of contraband was made from each of them by the police. The applicant is resident of U.P. and in case, the bail is granted to him, he may not be available for trial, therefore, the bail application 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 3 kg cannabis was made from the possession of the applicant. Hence, this case.
6. Considered on the submissions. As the charge-sheet has been filed, trial is likely to take some time and the applicant has no criminal antecedent, therefore, 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