

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3773 of 2021

1. Kirso Baghel S/o Late Inder Baghel, aged about 32 years R/o Panara Para, Pravir Ward, Jagdalpur, Tahsil Jagdalpur, District Bastar (C.G.)
2. Anil Baghel S/o Mithuram Baghel, aged about 25 years R/o Panara Para, Pravir Ward, Jagdalpur, Tahsil Jagdalpur, District Bastar (C.G.)

---- Applicants

Versus

- State Of Chhattisgarh through Police Station Bodhghat, District Bastar (C.G.)

---- Respondent

For Applicants	:	Ms. Madhunisha Singh, Advocate
For Respondent/State	:	Ms. Shivali Dubey, PL

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

08/07/2021

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No. 144/2021 registered at Police Station Bodhghat, District Bastar (C.G.) for the offence punishable under Section 21 of the Narcotic Drugs & Psychotropic Substance Act, 1985.
2. It is submitted that the applicants are innocent who have been falsely implicated in this case. The applicants have not committed any such offence as alleged against them. They are in jail since 18/05/2021, charge-sheet has been filed and the case is now pending for trial,

therefore, the applicants may be enlarged on bail.

3. Per contra, learned State counsel opposes the bail application and submits that the psychotropic substance seized from these applicants is in huge quantity and falls within the category of commercial quantity, therefore, the bail application should be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, on the date of incident the police personnels of Police Station Bodhghat made a seizure of 3600 numbers of capsules of Dicyclomine HCL Tramadol HCL & Acetaminophen from the possession of these applicants regarding which the offence has been registered against them. The seized psychotropic substance have contents which is prohibited under the NDPS Act.
6. Considered on the submissions. As there is no weight mentioned by the Investigating Agency regarding seized articles and it is mentioned in the bail rejection order that the quantity of seized psychotropic substance is more than small quantity, but there is nothing to confirm, that the amount of seized articles falls under commercial quantity. Hence, under these circumstances and for the reasons that the applicants have no criminal antecedents, that they are local residents of this State and trial is not making any progress due to pandemic situation, I feel inclined to allow this bail application and release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on

each of furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

rahul