

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4191 of 2021

- Vivek Sharma @ Kake S/o Late Rakesh Sharma Aged About 29 Years
R/o Shantinagar Ward Kushwaha Gali, P.S. Bodhghat Jagdalpur District
Bastar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Bodhghat District
Bastar Chhattisgarh

---- Non-applicant

For Applicant : Mr. P.K. Tulsyan, Advocate.

For Non-applicant/State : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 16.01.2020, in connection with Crime No.19/2020 registered at Police Station—Bodhghat, District- Bastar, C.G. for offence punishable under Sections 21(B), 22 of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. He has no connection with the offence committed. He is in jail since 16.01.2021 and the trial against him is not making any progress, therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that it is a case where commercial quantity of psychotropic substance has been seized from the possession of this applicant, therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, a seizure of 9205 Tablets of Alprazolam Tablets I.P., 384 Spasmo Proxyvon Plus Capsule, 15 units of Onarax Syrup and 10 units of RC- Kuff Syrup was made. Each of these medicines contains the contents, which are prohibited under N.D.P.S. Act, hence, this case.
6. Considered on the submissions and the facts present in this case. Although, the case appears to be of commercial quantity of the psychotropic substance but looking to the period of detention of the applicant in jail and further, the trial against him is delayed because of the present pandemic situation, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants 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 two local surety each 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