

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4263 of 2021

- Prakash Banjare @ Tetku S/o Late Shri Ramji Banjare Aged About 20 Years R/o Gandhi Nagar, Near Durga Chowk, P.S. Civil Lines, Raipur, District Raipur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through P.S. Ganj, Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant	Mr. Anchal Kumar Matre, Advocate
For Respondent /State	Mr. Vikram Sharma, Dy. GA

Proceedings through Video ConferencingSB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. CJOrder On Board3/8/2021

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant,

who has been arrested in connection with Crime No.231/2020 registered at Police Station Ganj, District Raipur (CG) for the offence punishable under Section 21-B of the NDPS Act and 25 of the Arms Act.

3. Three accused persons namely Prakash Banjare (present applicant), Ashish Bhushan and Nemu Sahu were found illicitly possessed of different quantities of psychotropic substance. From the present applicant, 144 capsules of Tramadol each weighing 2.931 mg total weight 422.01 mg, were recovered. As per the Notification issued by the Government of India on 26.4.2018, the small quantity for the psychotropic substance contained in the capsules recovered from the applicant, is 5 gm vide Entry No.231ZH. Thus, the contraband recovered from the applicant was not more than the small quantity.
4. The bail applications of co-accused Ashish Bhushan i.e. MCRC No.191/2021 and that of Nemu Sahu i.e. MCRC No.633/2021, have been dismissed, as withdrawn with liberty to revive the same after examination of seizure witnesses.
5. It is submitted by learned counsel for the applicant that the seizure witnesses have already been examined.
6. Considering the quantity of the psychotropic substance recovered from the applicant and for the fact that he is in jail since 5.12.2020 i.e. for nearly 8 months, I am inclined to release the applicant on regular bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

8. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Acting Chief Justice

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