

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4854 of 2021

- Harpreet Singh S/o Late Kuldeep Singh, Aged About 33 Years, R/o Hirapur, Veer Savarkar Nagar, Police Station- Kabir Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through Station House Officer, P.S- Saraswati Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Shubham Tripathi, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-08-2021

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 22-11-2020 in connection with Crime No.176/2020 registered at Police Station – Saraswati Nagar, District Raipur, Chhattisgarh for the offence under Section 21C, 22C of NDPS Act.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail 22-11-2020. Charge sheet has been filed and the trial is getting delayed. Co-accused Asfak Husain was granted bail by the coordinate Bench of this Court in MCRC No.9060 of 2020 vide order dated 05-04-2021. Subsequent to which, this Court also granted bail to one co-accused Yaman Chandrakar in MCRC No.152 of 2021 by order dated 15-06-2021 on the ground of parity. This applicant is also similarly placed. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the offence registered against the applicant is regarding possession of commercial quantity of the contraband, therefore, looking to the applicability of Section 37 of the NDPS Act, the applicant is not entitled for

grant of bail.

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

5. Seizure of 192 capsules of Spasmo-Proxyvon Plus having content of Tramadol, 270 tablets of Alprazolam were made from the possession of this applicant and co-accused Yaman Chandrakar. Seizure of other articles have been made from other co-accused Asfak Husain. Hence, this case.

6. Considered on the submissions. As co-accused Yaman Chandrakar has been granted bail by this Court and it is a case of joint seizure from this applicant and co-accused Yaman Chandrakar, hence, for this reason this applicant is also entitled for grant of bail.

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