

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4778 of 2021

- Prakash @ Buntty Gaherwal Son Of Prem Gaherwal Aged About 24 Years Resident Of Mini Basti, Jarhabhatha, Bilaspur, Police Station - Civil Line, Bilaspur, District- Bilaspur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Civil Line, Bilaspur, District - Bilaspur (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Amit Singh, Advocate.

For Non-applicant/State : Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-08-2021

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 27.06.2021, in connection with Crime No.616/2021, registered at Police Station- Civil Line, Bilaspur, District- Bilaspur, C.G. for offence punishable under Sections 21 and 22 of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 27.06.2021. There is no requirement of the applicant for custodial interrogation, therefore, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that there are 08 previous criminal cases registered against

the applicant under the provisions of I.P.C. and also under C.G. Excise Act, therefore, he is a habitual offender, therefore, this applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. As per prosecution case, on the date of incident, 31 bottles of RTX cough syrup each of 100 ml. having contents of codeine phosphate 10 mg was seized from the possession of this applicant along with some cash and mobile phone. The quantity of the psychotropic substance seized from the applicant has not been specified in any manner to show whether, it is small quantity or more than small quantity or that it is commercial quantity.
6. Considered on the submissions and for the reason that the applicant had been on bail in all the previous cases against him, I feel inclined to allow this application.
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