

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4878 of 2021

- Ajay Prasad Pandey @ Sundar Pandey S/o Vishwaram @ Vishram Prasad Pandey Aged About 26 Years R/o Jogipur, Police Station Sidhi, District Sidhi M. P.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Chirmiri, District Koriya Chhattisgarh

---- Non-applicant

For Applicant : Mr. Anil Gulati, Advocate.

For Non-applicant/State : Ms. Akshara Amit, Panel Lawyer.

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

04-08-2021

Heard.

1. The earlier default pointed out by the Registry has been cured by filing a separate affidavit. Now the Registry has raised another default that the name of the deponent is not fully mentioned in the application under Section 439 of Cr.P.C.
2. After considering on the submissions, the default pointed out by the Registry is waived.
3. Admit.
4. Learned State counsel submits that case diary is available.
5. Both the counsel have agreed to make submissions finally in this case.
6. Also 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 17.03.2021, in connection with Crime No.88/2021, registered at Police Station— Chirmiri, District- Koriya, C.G. for offence punishable under Section 22(C) of Narcotic Drugs and Psychotropic Substance Act.

7. It is submitted by the learned counsel for the applicant that the offence under Section 22(C) of N.D.P.S. Act is not made out against this applicant. The only seizure that has been made from this applicant is of one motor cycle and one identity card. One co-accused- Anil Kumar Pandey, who was similarly placed has been granted bail by this Court in M.Cr.C. No.2911 of 2021 vide order dated 29.06.2021, therefore, it is prayed that this applicant may also be enlarged on bail.
8. Learned counsel for the State/non-applicant opposes the application and submits that this applicant was present along with the main accused Diwakar @ Deepak, who had been in possession on contraband in commercial quantity. Therefore, this applicant is not entitled for grant of bail.
9. Heard learned counsel for the parties and perused the case diary.
10. According to the prosecution case, seizure of 609.84 gm Of capsules of Spasmo Proxyvon was made from co-accused Diwakar @ Deepak and the applicant was present along with him. The only seizure made from this applicant is of one motor cycle and one identity card.
11. Considered on the submissions. The co-accused Anil Kumar Pandey has been granted bail on similar ground as there was no seizure of contraband made from him and this applicant is also similarly placed. Therefore, I feel inclined to allow this application.
12. 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.

13. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika