

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5890 of 2021**

Shivram Dubey, S/o. Ashok Kumar Dubey, aged about 20 years, R/o. Bartikala, P.S. Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - Police Station-Trikunda, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Amarnath Pandey, Advocate
For Respondent/State	: Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**07/09/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.70/2020, registered at Police Station – Trikunda, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 21 (C) of the N.D.P.S. Act and Section 3/181 of Motor Vehicle Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 30.09.2020. No seizure of contraband has been made from the possession of this applicant. Neither any procedure of search was conducted from this applicant. Therefore, it is prayed that the applicant may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant had been in association with the co-accused person

from whom the commercial quantity of contraband has been seized, therefore, he is not entitled to be released on bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, police personnel of Police Station – Trikunda, District – Balrampur stopped the motor cycle. Search was conducted from the co-accused Kishan Sahu and seizure of 110 bottles of cough syrup having content of prohibited Chlorpheniramine Maleate and Codeine Phosphate was made and the only seizure made from this applicant was that of a motor cycle.
6. Considered on the submissions. As no search for contraband has been conducted from this applicant and neither any contraband has been seized from the possession of this applicant, hence, looking to the circumstances present in this case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge