

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5431 of 2021**

Diwakar @ Deepak Singh, S/o. Narayan Singh, aged about 25 years,
 Profession - Student, R/o. Kupni, P.S. City Kotwali, Sidhi, Distt. Sidhi
 (Madhya Pradesh).

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Chirmiri, Distt. Koriya
 (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Anuroop Panda, Advocate
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/09/2021**

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.88/2021, registered at Police Station – Chirmiri, District – Koriya (C.G.) for the offence punishable under Section 22 (C) of the N.D.P.S. 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 17.03.2021. Similarly co-accused persons namely Anil Kumar Pandey and Ajay Prasad Pandey have been granted bail by this Court. Hence, 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 commercial quantity of psychotropic substance has been seized

from the possession of this applicant. The case of the co-accused persons, who have been granted bail had been different. It is submitted that under the strict provisions of Section 37 of the N.D.P.S. Act, this applicant is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, in total 1584 capsules of Spasmo Proxyvon having content of prohibited drug Tramadol were seized from the joint possession of this applicant and co-accused Anil Kumar Pandey. Total weight of the seized medicine was 609.84 grams.
6. Considered on the submissions. As the co-accused persons namely Anil Kumar Pandey and Ajay Kumar Pandey @ Sunder Pandey have been enlarged on bail, hence on the ground of parity, 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