

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5667 of 2021**

Sunil Nishad S/o Nirmal Nishad, Aged About 25 Years, R/o Shankar Nagar, Ward No. 30, New Shanti Nagar, Raipur P.S. Civil Lines, District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through P. S. Bagbahara, District Mahasamund Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Mayank Chandrakar, Advocate

For Non-applicant/State : Ms. Anjali Singh Chouhan, Panel Lawyer

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**11.08.2021**

1. This is third application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 27.01.2021 in connection with Crime No.23 of 2021 registered at Police Station Bagbahara, District Mahasamund (C.G.) for commission of offence punishable under Section 20-B of the Narcotics Drugs and Psychotropic Substance Act, 1985.
2. Case of the prosecution is that, on 27.01.2021, Police of Police Station Bagbahra received a secret information that some person traveling on white colour activa bearing registration no. CG04LV3587 at NH-353 is carrying contraband ganja along with him. Based on the said information, Police intercepted the said vehicle on NH-353, Pithora Chowk, Barbahra. During the search,

Police recovered brown colour bag from the possession of applicant Namrata Nishad (co-accused), containing contraband ganja, weighing 11kg, worth Rs. 1,10,000/-. Based on the seizure, offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 was registered against her and applicant.

3. Mr. Mayank Chandrakar, learned counsel for the applicant would submit that applicant was arrested on 27.01.2021. The allegations levelled against the present applicant are false. He further submits that there is no any other criminal antecedents against the present applicant, wife of applicant is expecting baby at any point of time and there is no one to take care of her. He pointed out that charges have been levelled and recording of evidence is yet to start, hence, he may be enlarged on bail.
4. Ms. Anjali Singh Chouhan, learned Panel Lawyer opposing the submissions made by learned counsel for the applicant would submit that contraband Ganja was recovered while applicant was travelling on Scooty along with his wife, hence, he is not entitled for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, considering the pretrial detention of applicant and medical document enclosed along with the record that the wife of applicant is carrying pregnancy of about 8 months, without commenting anything on the merits of the case, I am inclined to release the applicant on regular bail.

7. Accordingly, third application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) he shall not, in any manner, tamper with the prosecution witnesses.

c) if the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge