

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5897 of 2021

- Amit Yadav S/o Late Nandlal Yadav Aged About 20 Years R/o Village Tekari, Police Station Masturi District Bilaspur (Chhattisgarh)

----Applicant

Versus

- State Of Chhattisgarh Through - SHO Civil Line, Bilaspur Distt. Bilaspur (Chhattisgarh)

---- Respondent

For Applicant	:-	Mr. Dheerendra Pandey, Advocate
For Respondent-State	:-	Mr. Arjit Tiwari, PL

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Order On Board

06/09/2021

1. Heard.
2. This is a **second** application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.783/2020, registered at Police Station Civil Line, Bilaspur Distt. Bilaspur C.G. for the offence punishable under Section 21 & 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985.
3. Earlier, the first bail application of the applicant was dismissed as withdrawn with liberty to revive the same at an appropriate stage on 24.2.2021.

4. Case of the prosecution, in brief, is that applicant was found in illicit possession of 90 bottles of onerex cough syrup.
5. Learned State counsel would oppose the prayer for grant of bail, however, he would submit that the concerned SHO has not reported any previous criminal antecedent of similar nature of crime. He would refer to the law laid down by the Hon'ble Supreme Court in the matter of **Hira Singh & Anr. vs Union of India & Anr.** [CRA No.722/2017, decided on 22.04.2020] [2020 SCC online SC 382] and the provision contained under Section 37 of the Narcotics Drugs & Psychotropic Substances Act, 1985.
6. Considering the fact that the applicant is in jail since 06.11.2020 i.e., for 10 months and conclusion of trial may take sometime, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

Ayushi