

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 944 of 2021**

Dr. Daityanashan Patel S/o Rishi Kumar Patel, Aged About 28 Years, Medical Officer, District Hospital, Mahasamund, District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Mahasamund, District Mahasamund Chhattisgarh.

---- Non-applicant

For Applicant : Shri Sanjay Agrawal, Advocate

For Non-applicant/State : Shri Roshan Dubey, Panel Lawyer

(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

23.08.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.145 of 2021, registered at Police Station Mahasamund (C.G.), for offence punishable under Section 409 of Indian Penal Code.
2. Case of the prosecution in brief, is that, on the basis of secret information, Police on 28.04.2021 reached near Rajim Turn, Mahasamund and seized 6 ampoule's of Redmesivir Injection from the possession of present applicant, who is a Medical Officer posted at District Hospital, Mahasamund. Based on seizure of aforementioned 6 ampoule's of Redmesivir Injection, instant crime is registered against the applicant on 03.05.2021.

3. Shri Sanjay Agrawal, learned counsel for the applicant would submit that applicant is M.B.B.S. Doctor and after completion of his education, this is his first posting at District Hospital, Mahasamund. He further submits that applicant has been falsely implicated in the case because he did not follow the command of Senior Officers. It is contended that alleged seizure of 6 ampoule's of Remdesivir Injection from the possession of present applicant is not correct, but empty ampoule's have been recovered from the possession of present applicant. It is further contended that looking to the nature of allegations and fact that present applicant is holding the post of Medical Officer, he will co-operate in the investigation, he will appear before th Police as and when his presence is required, there is no apprehension of his absconding and further that, no custodial interrogation is required in this case, hence, he may be enlarged on anticipatory bail.
4. Per contra, Shri Roshan Dubey, learned Panel Laywer representing the State opposing the submissions made by learned counsel for the applicant, would submit that Police reached on the spot based on the secret information and seized 6 Remdesivir Injection. Statements of two persons (purchasers) by name, Vishal Ram and Tarun Nayak is also available in the case diary, hence, present applicant is not entitled for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, material collected by the Police and

further that applicant is holding the post of Medical Officer at District Hospital, Mahasamund, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.

7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

- (i) he shall make himself available for interrogation by a police officer as and when required;
- (ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge