

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5780 of 2021**

1. Om Prakash Gupta, S/o Shri Arjun Prasad Gupta, aged about 38 years, Caste Sondik, R/o Village Silota, PS & Tehsil Pratappur, District Surajpur (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station Pratappur, District Surajpur (CG)

---- Non-Applicant

For Applicant	: Shri Hariom Rai, Advocate.
For Non-Applicant	: Shri Arjit Tiwari, Panel Lawyer.

Proceeding Through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag CJ****Order On Board****01/09/2021 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.166/2020 registered in Police Station Pratappur, District Surajpur for offence under Section 21 (C) of the NDPS Act.
2. This is the 2nd bail application on behalf of the applicant. The first bail application was dismissed on 21.1.2021 in MCRC No.7915/2020.
3. The applicant was found in illicit possession of 21 bottles of cough syrup, each containing 100 ml codeine psychotropic substance. Although the earlier bail application was dismissed by referring to the

judgment of Hon'ble Supreme Court in the matter of **Hira Singh and Another Vs. Union of India & Another** {CRA No.722/2017, decided on 22nd April, 2020}, but the fact remains that since after rejection of the earlier bail application, the applicant has now served additional 7 months of incarceration. He is otherwise in jail since 24.10.2020 and has no previous antecedents of his committing any crime under the NDPS Act.

4. Considering the length of pre-trial detention and other relevant aspects of the matter, I am inclined to release the applicant on bail.
5. 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.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice