

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5943 of 2021

1. Sujit Kumar S/o Shri Vikram Singh Aged About 26 Years R/o Nidholikala, Nagla Durjan Para, Police Station Nidholi Kala, District- Etah, Uttar Pradesh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station- Kondagaon, District- Bastar, Chhattisgarh.

---- Respondent

For Applicant	Mr. Swajeet Singh Ubeja, Advocate
For Respondent /State	Mr. Sudeep Agrawal, Dy. Adv. General

(Proceedings through Video Conferencing)Order on BoardByPrashant Kumar Mishra, Ag. CJ2/9/2021

1. Heard.
2. The applicant has preferred this ***second bail application*** under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.324/2019, registered at Police Station Kondagaon, District Kondagaon (CG), for the offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The first bail application was dismissed granting liberty to the applicant to file a duly constituted bail application.

4. Applicant and co-accused Ganga Singh were found in illicit possession of 23.870 kgs. of ganja.
5. Learned counsel for the State, *per contra*, would oppose the bail application. He would refer to the provisions contained in Section 37 of the NDPS Act and the decision rendered by the Supreme Court in ***Hira Singh and Another v Union of India & Another*** (2020 SCC OnLine SC 382). However, he would submit that the concerned Station House Officer (SHO) has not reported any previous criminal antecedents of the applicant.
6. Considering the entire facts situation of the case, as also for the fact that the applicant is in jail since 3-12-2019 i.e. for almost one year nine months; and the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond ***for a sum of Rs.1,00,000/- with two local sureties*** in 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.
8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri