

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6689 of 2021

1. Amit Kushwaha S/o Banshidhar Kushwaha, Aged About 20 Years, R/o Village Araghai, P.S. Ramanujganj District Balrampur-Ramanujganj (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through In-charge Police Station Ambikapur, District Surguja (C.G.).

---- Non-Applicant

For Applicant	:	Mr. D.N. Prajapati, Advocate.
For Non-Applicant/State	:	Mr. Shakti Singh Thakur, P.L.

MCRC No. 7795 of 2021

1. Santosh Paul S/o Shri Nandu Paul, Aged About 20 Years, R/o Ramanujganj, Balrampur Presently R/o Near Bhagwanpur Bandhan Hotel, Gandhinagar, District Sarguja (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Ambikapur, District Sarguja (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Mayank Chandrakar, Advocate.
For Non-Applicant/State	:	Mr. Shakti Singh Thakur, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

25/10/2021

- 1) Heard.
- 2) Since both these applications arise out of the same crime number, they are being disposed of by this common order.
- 3) These are the **First Bail Applications** filed under Section 439 of

Code of Criminal Procedure, 1973 for grant of bail, as they are in jail since 16/06/2021 in connection with Crime No. 533/2021, registered at Police Station Ambikapur, District Sarguja (C.G.) for the offence under Section 21(C) of the Narcotic Drugs And Psychotropic Substances, Act, 1985.

- 4) Case of the prosecution, in brief, is that on 16/06/2021 during patrolling, in suspicious circumstances the Police, have seized, 10 bottles of recharge Cough Syrup of 100 ml each & 1200 tablets of Aprasafe 0.5 mg from the green bag of applicant Amit Kushwaha, 13 Bottles of recharge Cough Syrup of 100 ml each 600 Tablets of Aprasafe 0.5 mg from one of the co-accused namely Prince Gupta @ Lalu and from applicant Santosh Pal 13 Bottles of Recharge Cough Syrup of 100 ml each 210 Tablest of Aprasafe 0.5 mg from the applicant's red bag and has arrested the applicants and co-accused person for the alleged offence under Section 21(C) of the Narcotic Drugs And Psychotropic Substances, Act, 1985.
- 5) Learned Counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the co-accused person namely Prince Gupta has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 17/08/2021 passed in MCRC No. 4825 of 2021. He submits that there is no apprehension of the applicants tampering with the evidence or absconding. He further submits that applicants are in jail since 16/06/2021 respectively, charge sheet has been filed and conclusion of trial is likely to take some time. Therefore, the applicants deserve to be released on bail on ground of parity.
- 6) On the other hand, learned counsel for the State opposes the bail applications.
- 7) I have heard learned Counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of allegations against the applicants, the detention period of the applicants who are 20 years old, charge sheet has already been

filed, the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties, in particular the fact that co-accused has already been released on bail by the Co-ordinate Bench of this Court and conclusion of trial may take some time for its disposal, the applications are **allowed**. It is directed that in the event of **each** of the applicants executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- i. they 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 fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge