

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6731 of 2021

1. Nikhil Kumar Sahu S/o Late Manohar Lal Sahu, Aged About 28 Years, Resident Of Plot No. 70, Golden Colony, Near High Court Nayapara, Police Station Chakarbhatha Bilaspur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Civil Lines Bilaspur, District Bilaspur (C.G.).

---- Non-Applicant

For Applicant	: Mr. Shivang Dubey, Advocate.
For Non-Applicant/State	: Mr. Afroz Khan, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

29/10/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 17/08/2021 in connection with Crime No. 837/2021 registered at Police Station Civil Lines Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 21 of the Narcotics Drugs and Psychotropic Substance Act.
- 2) As per the prosecution case, on 17/08/2021 the Police action on the secret information apprehended the applicant near over bridge at Maharana Pratap Chowk who was illegally having 8.690 Gram Brown Sugar in his Car bearing registration No. CG04 DK 0005 and was trying to sell the same.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. The contraband has not been seized from the exclusive conscious possession of the applicant. He submits that the applicant is in jail since 17/08/2021. He submits that the applicant has no criminal antecedents and there is no apprehension of the applicant

tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. He submits that considering the seriousness of the offence, the quantity of contraband and the other material available in the case dairy, the applicant need not to be released on bail. However, he submits that it is not disputed that the applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 28 years old, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. 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 fact to the Court,
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
 - iv. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
 - v. he shall not involve himself 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 applicant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant