

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7034 of 2021

- Rajkumar Dhruv, S/o Meluram Dhruv, Aged About 23 Years, R/o Ward No.2, Parsuram Ward, Bhathapara, Police Station - Bhathapara Town, District - Balodabazar, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Abhanpur, (Wrongly Mentioned As Azad Chowk, Raipur In Order Dated 02.09.2021), Raipur, District - Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Prakash Mishra, Advocate
For Non-Applicant/State : Smt. Deepti Shukla, P. L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

28.10.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 29.06.2021 in connection with Crime No. 247/2021 registered at Police Station- Abhanpur, Raipur, District- Raipur (C.G.) for the offence punishable under Section 20-B of NDPS Act.
- 2) Allegation against the applicant is that he alongwith co-accused person was found in illegal possession of contraband article Ganja 8 kg.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that co-accused Kishore Kumar Sahu has already been granted bail by the co-ordinate Bench of this Court vide order dated 25.08.2021 in MCRC No. 4811/2021. Charge-sheet has already been filed, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 29.06.2021 and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the applicant, the co-accused Kishore Kumar Sahu has already been granted bail by the co-ordinate Bench of this Court, the detention period of the applicant, who is 23 years old, charge-sheet has already been filed, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.25,000/- with one surety to the satisfaction of the concerned trial Court, he shall be released on bail, on 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, and
 - (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 Government/State Government/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