

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 1172 of 2021

Aashutosh Singhal S/o Sanjay Singhal, Aged About 30 Years, R/o Yadunandan Nagar, Thana Sirgitti, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Civil Line, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.K. Yadav, Advocate.
For State	: Mr. B.P. Banjare, PL.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

29/09/2021

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.49/2021 registered at Police Station –Civil Line, Bilaspur, (CG), for the offence punishable under Sections 21(C), 22, 28, 29(2) of NDPS Act.
2. Case of the prosecution, in brief, is that on 09.01.21 based on secret information, Police went near over bridge of Maharana Pratap Chowk, Bilaspur and found that three boys were carrying one bag kept on scooty. On search, police recovered 70 numbers of Onerex Codeine Phosphate Syrup from Nomin Ali, 50 numbers of Syrup from Ashish & Rs.750/- (collected amount of sale of Syrup) from possession of Pranjal Sharma. Based on seizure, aforementioned crime is registered against them. During the course of investigation based on memorandum statement of accused persons, present applicant is also made accused in instant crime.
3. Learned counsel for the applicant submits that applicant has been made accused in instant crime only on the basis of memorandum statements of accused persons. Applicant is not having any criminal past of involvement in identical nature of crime. Even as alleged by co-accused persons that applicant gave scooty alongwith psychotropics drugs to them is also not correct as there is no material to show that applicant is the owner of scooty. Applicant is not

involved in any manner in this case, hence, applicant may be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that co-accused persons have specifically stated in their memorandum statement that psychotropics drugs seized from them was of applicant who gave it to them for sale alongwith scooty. Hence, there is prima facie involvement of applicant in commission of crime. There is one criminal antecedents against applicant in the year 2019 for offence under Section 392 of IPC. He is not entitled for grant of anticipatory bail. However, on putting a specif query to learned State Counsel with regard to documents of ownership of scooty, he submits that no documents or details are available in case diary.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, contents of case diary, material collected by the Police during the course of investigation, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, she shall be released on bail by the officer arresting her on executing a personal bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :
 - (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that applicant 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/her from disclosing such facts to the Court or to any police officer;

- (iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-