

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7270 of 2021**

Chumman Patel @ Chuman S/o Tarun Patel Aged About 26
Years R/o Kamal Chowk, New Anand Nagar, Bhanpuri, P.S.-
Khamtrie, Raipur, District (Revenue And Civil) - Raipur CG

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police
Station - Khamtarai, District Raipur CG

---- Non-applicant

For applicant Mr. Yogesh Pandey, Adv.
For non-applicant/State Mr. Samir Oraon, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****10-11-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 532/2021 registered in police station Khamtarai, Distt. Raipur (CG) for offence punishable under 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act').
3. Brief facts of the case are that on 29-8-2021, police of Police Station Khamtarai, Distt. Raipur, on receiving information that the applicant is selling narcotic substance, seized from the possession of applicant 100 nos. SPAS TRANCAN PLUS capsules, total weight 60 gm, on the basis of which offence has been registered against the applicant.
4. Counsel for the applicant argued that the applicant has not committed the offence and no contraband article has been seized from him. He further argued that mandatory provisions of Sections 42 and 50 of the NDPS Act have not been complied with, which vitiates entire investigation. He further argued that

even if total weight of seized capsules is taken, it is 60 gm, which is intermediary quantity and not commercial quantity. The applicant is in jail since 29-8-2021, charge sheet has been filed and trial is likely to take long time, therefore, he may be released on bail.

5. On the other hand, the State Counsel opposed the bail application and submitted that looking to the rise in such offences now a days, the application may be rejected.
6. I have heard counsel for both the parties and perused the case diary and material available on record.
7. Considering the facts and circumstances of the case, particularly the quantity of contraband allegedly seized from the applicant, the applicant is in jail since 29-8-2021, charge sheet has been filed, trial may take more time, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes one surety for a sum of Rs. 50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.
8. CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge

