

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8028 of 2020**

- Murari Laal Choubey S/o Thirath Raj Choubey Aged About 30 Years By Caste Brahman R/o Gangapur, P. S. Out Post Raghunathpur, District Surguja Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Out Post Raghunathpur, P. S. Lundra District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Shri Sanjay Pathak, Advocate
For State	:	Shri Shubham Verma, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/01/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.108/2020 registered at Out Post Raghunathpur, Police Station – Lundra, District – Surguja (C.G.) for alleged commission of offences under Section 21 (b) of NDPS Act.
2. According to the case of the prosecution, from possession of the applicant, 5.20 gms of brown sugar was seized, for which, he had no valid authority.
3. Learned counsel for the applicant would submit that a false case has been prepared against him. He submits that the applicant was not carrying any narcotic substance. It is next submitted that investigation is complete, charge sheet has been filed, the applicant is in jail since 14/10/2020 and looking to the quantity, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes prayer and submits that though a total quantity which has been seized from the possession of the applicant is little higher than the small quantity, the applicant is a habitual offender because against him, two criminal cases of NDPS Act have been registered. In one case, the applicant

is allegedly found in possession of *ganja* and in another case, he was found in illegal possession of brown sugar. Therefore, if the applicant is granted bail, the applicant is likely to misuse the liberty and again indulge in illegal act.

5. Though, earlier, two cases have been registered against the applicant, in the present case, as the allegation is of applicant having found in possession of 5.02 gms of brown sugar, whereas small quantity is considered to be of 5 gms only, I am inclined to grant bail to the applicant though with conditions.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

If the applicant is again found to be involved in similar type of act, the State would be at liberty to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge