

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8020 of 2020**

- Sunil Kumar Sahu S/o Dilip Kumar Sahu Aged About 41 Years R/o Vill. Mourikala Chowki, Birejhar, P.S. - Kurud, Distt. Dhamtari (Chhattisgarh) Presently R/o Infront Of Rajiv Lochan Hospital, Tarri Road, Bagdehi Para, Nawapara, P.S. Gobra Nawapara, Dist.- Raipur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through P.S.- Gobra-Nawapara District Raipur (Chhattisgarh)

---- Respondent

For Applicant	:	Shri J.K.Gupta, 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.416/2020 registered at Police Station – Gobra - Nawapara, District – Raipur (C.G.) for alleged commission of offences under Section 21 (b) of NDPS Act.
2. Prosecution case is that from the possession of the applicant, 750 tabs containing Alprazolam, a psychotropic substance was seized. The applicant failed to explain the authority for such possession.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and no seizure was made from him. He submits that a false case has been prepared against him. It is submitted that the applicant is in jail since 14/10/2020, investigation is complete and charge sheet has been filed, therefore, the applicant may be granted bail as he is not likely to abscond or tamper with the prosecution witnesses.
4. On the other hand, learned State counsel opposes prayer and submits that a *prima facie* case is made out against the applicant as from his possession, without

authority of law, 750 tablets were seized and each tablet contained 0.25 milligrams of Alprazolam and thus, from 750 tablets, a total of 187 milligrams of Alprazolam were found in possession of the applicant.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the commercial quantity of Alprazolam as per entry no.178 of the table is 100 gms whereas from the possession of the applicant, 187 milligrams of Alprazolam is alleged to have been recovered, which is not a commercial quantity, therefore, in these circumstances, I am inclined to grant bail to the applicant as investigation is complete, charge sheet has been filed and the applicant is in jail since 14/10/2020.

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.25,000/- along with two local sureties 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.

Certified copy as per rules.

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