

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8060 of 2020**

- Ajay Sahni S/o Babulal Sahni, Aged About 28 Years R/o Jain International School Ke Pichhe, Atal Awas Sakri, District Bilaspur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through, Police Station - Sarkanda, District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K.Yadav, Advocate
For State	:	Smt. Fouzia Mirza, Addl. Adv. Gen. and Ms. Samiksha Gupta, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/02/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.968/2020 registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for alleged commission of offences under Section 21 of NDPS Act, 1985.
2. Prosecution case is that when on receipt of information, applicant was intercepted, from his possession, 400 tablets of Nitrosun 10 were recovered which is a psychotropic substance and the applicant failed to produce any valid authority for the same.
3. Learned counsel for the applicant would submit that a false seizure has been made against the applicant. The next submission is that investigation is complete, charge sheet has been filed and the applicant is in jail since 16/10/2020 and as the total quantity alleged to be seized is lesser than the small quantity i.e. 4 grams (4000 milligrams) of psychotropic substance, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes bail application and submits

that seizure of 400 tablets of Nitrosun 10 has been made from the applicant in presence of the witnesses and the applicant had not produced any valid authority for the same. Therefore, *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, quantity of psychotropic substance alleged to be seized is lesser than the small quantity and that the applicant is in jail since 16/10/2020, I am inclined to grant bail to the applicant.

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.

If the applicant is found involved in commission of any other offence during the period of bail, the prosecution would be at liberty to apply for cancellation of bail.

Certified copy as per rules.

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