

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7887 of 2021**

- Bholu @ Ravishankar Tiwari son of Vishwanath Tiwari, aged about 45 years, resident of Village- Bakaspur, Police Station- Rajpur, District – Balrampur-Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station- Rajpur, District- Balrampur-Ramanujganj (C.G.)

---- State/Non-Applicant

For Applicant : Shri Rahul K. Mishra, Advocate

For Non-Applicant/State : Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

29.11.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 13.09.2021 in connection with Crime No. 174/2021 registered in Police Station Rajpur, District Balrampur-Ramanujganj (C.G.), for the offence punishable under Section 21 (B) of Narcotic Drugs and Psychotropic Substances Act.
2. Case of the prosecution, in brief, is that on the basis of information received from informant, the Police of Police Station Rajpur has recovered 5 pieces Codeine Phosphate & Chlorpheniramine Maleate Ssyrup Eskuf & 1 piece Codeine Phosphate Triprolidine Hydrochloride Syrup Codectuss containing 100 ML each and 15 pieces Anzillum Alprazolam Cardila 0.5 mg from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 13.09.2021, charge-sheet has already been filed and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedent.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit intoxicants which is below the commercial quantity, the detention period of the applicant who is 45 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and conclusion of trial may take some time, without commenting anything on merits of the case, the bail application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on following conditions :-
 - i. he 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 fact to the Court.
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - iv. he shall not involve himself in any offence of similar nature in future.
7. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar nature of offence.

Sd/-

(Gautam Chourdiya)
Judge