

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8886 of 2020**

- Pradeep Soni, S/o Durga Prasad Soni, Aged About 29 Years, R/o Village Paraghat, Police Station- Masturi, Post Jairamnagar, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station In-charge, Police Station Masturi, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Arvind Shrivastava, Adv.
For Respondent/State	: Mr. Udhaw Sharma, G.A.
For Objector	: Mr. Dharmesh Shrivastava, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05.04.2021**

1. Heard.
2. The accused/applicant has moved this **first bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 484/2020 registered at Police Station- Masturi, District Bilaspur (C.G.) for the offence punishable under Sections 21 & 22 of the N.D.P.S. Act.
3. The prosecution story, in brief is that, on 08.11.2020, on the basis of secret information, police seized 40 bottles of Zenerex CD Syrup (100 ml each) from the applicant. After recording the memorandum of present applicant the police seized 100 bottles of Zenerex CD Syrup from the possession of co-accused person. Thereafter, offence has been registered against the present applicant and other co-accused person.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. He further submits that co-accused has been granted bail on 24.03.2021 passed in MCRC No. 8350/2020 by this Court and the applicant has no previous criminal record. He next added that the applicant is in jail since 09.11.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application submitting that the seized quantity is more than the commercial quantity, therefore, no case is made out to release him on bail.
6. Learned counsel for the objector raised his objection regarding grant of bail to the applicant.
7. I have heard learned counsel for the parties and perused the records.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that co-accused has been granted bail on 24.03.2021 passed in MCRC No. 8350/2020 by this Court and the applicant has no previous criminal record and the detention period of the applicant, the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**