

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 8575 of 2020

Sumit Kumar Gupta @ Shanu S/o Rakesh Gupta, Aged About 20 Years,
 R/o: Anga, Baniyapara, Police Station -Patna, District -Koriya,
 Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through- Station House Officer, Police of Police
 Station- Patna, District- Koriya, Chhattisgarh.

--- Respondents

For Applicant	: Mr. Anil Gulati, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. GA.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

31/03/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.245/2020, registered at Police Station -Patna, Distt -Koriya, (C.G), for the offence under Section 21 (B) of NDPS Act.
2. Case of the prosecution is that on the basis of secret information the Police raid the house of Vimla Gupta (aunt of applicant) where applicant was residing in her absence, during search the Police found applicant is possession of 106 unlabeled ampoule of injections, 433 Capsules of Spm -prx + wockhaddt, 3 pieces of 10 ml avil injections, 7 rexojesic injections, 2 syringe and 6 needles. Based on the recovery of drugs substance from applicant aforementioned offence was registered against applicant.
3. Learned counsel for the applicant submits that as per the report given by the Drugs Inspector total quantity of drugs substance recovered is more than small quantity but less than commercial quantity. He further submits that seizure witnesses have been examined but they have not supported the prosecution case. They stated that in front of them no proceeding in any nature has taken place, they have signed all the documents at Police Station. Applicant is in jail

since 20.10.2020, hence, he may be released on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that during search of house of Vimla Gupta where applicant was residing in her absence, the Police seized large quantity of drugs substance, which is more than small quantity, therefore, applicant is not entitled for bail. On putting specific query, learned State Counsel submits that as per case diary applicant is not having criminal past of similar offence.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, seizure witnesses have already examined and the fact that applicant is not having any criminal antecedents as per case diary as stated by learned State Counsel, applicant is in jail since 20.10.2020, without commenting anything on merits of the case, I am inclined to allow bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing bail bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear as and when directed by the investigating agency during the course of investigation.
 - b) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-