

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8618 of 2020**

- Ramkripal @ Chunnu Upadhyay, S/o Bhupat Upadyay, Aged About 40 Years, R/o Bhikhampura, Police Station - Sariya, District - Raigarh Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - Baramkela, District - Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raghvendra Pradhan, Adv.
For Respondent/State	: Ms. Ishwari Ghritlahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.03.2021**

1. 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. 212/2020 registered at Police Station- Baramkela, District - Raigarh (C.G.) for the offence punishable under Section 20(B) of the N.D.P.S. Act.
2. The prosecution story, in brief is that, on 15.10.2020, the police personnel seized 10 KG of Ganja from the possession of applicant. Thereafter, offence has been registered against the present applicant.
3. 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 the mandatory provisions of NDPS Act have not complied with in letter and spirit and the applicant has no previous criminal record and the applicant is in jail since 16.10.2020, there is no likelihood of his case being

decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the records.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicant is in jail since 16.10.2020 and 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.
7. 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**

Ruchi