

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8610 of 2020**

- Sohel Ali, S/o Late Samir Hussain, Aged About 23 Years, R/o Irani Dera Police Station Vidhan Sabha Raipur District Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through SHO Saraswati Nagar Raipur District- Raipur Chhattisgarh.

---- Respondent**With****MCRC No. 9347 of 2020**

- Sanjay Choudhary, S/o Mahesh Choudhary, Aged About 20 Years, R/o Opposite Kaali Mandir, Raja Talab, Ward No. 33, P.S.- Civil Lines, Distt. Raipur (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S.- Saraswati Nagar, Distt. Raipur (Chhattisgarh).

---- Respondent

For Applicants	: Mr. Dheerendra Pandey, Adv. In MCRC No. 8610/2020 & Mr. Devershi Thakur, Adv. In MCRC No. 9347/2020
For Respondent/State	: Mr. Udhaw Sharma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.03.2021**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved this **first bail application** under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 168/2020 registered at Police Station- Saraswati Nagar Raipur, District- Raipur, (C.G.) for the offence punishable under Section 21 of the

N.D.P.S. Act.

3. The prosecution story, in brief is that, on 17.11.2020, on the basis of secret information, police personnel have seized total 1300 ml of 13 bottle onrex cough syrup, 4 strip of nitrogen-10 tablet total 40 nag from the possession of the applicants. Thereafter, offence has been registered against the present applicants.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. The applicant namely Soheli Ali is suffering from AIDS/HIV. He next added that the charge-sheet has already been filed and the applicants are in jail since 17.11.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the quantity of seized article is more than the commercial quantity, therefore, no case is made out to release them on bail.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the medical documents of the applicant namely Soheli Ali and the applicants are in jail since 17.11.2020 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 applicants on bail. Accordingly, the application is allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

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

Ruchi