

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8186 of 2021**

Vijay Deep, S/o. Parmanand Deep, aged about 27 years, R/o.  
Near Army Club, P.S. Gole Bazar, Raipur District Raipur (CG)

**---Applicant**

**Versus**

State of Chhattisgarh Through The Station House Officer,  
Police Station City Kotwali, Raipur District Raipur Chhattisgarh,

**---Respondent---**

For Applicant : Mr. Rekhraj Baghel, Advocate

For Respondent/State : Mr. Ishwar Jaiswal, Panel Lawyer

**Hon'ble Smt. Justice Rajni Dubey**

**Order On Board**

**01/11/2021**

This first application under Section 439 of the Code of Criminal Procedure has been filed by the accused/applicant, who is languishing in jail since 25.08.2021 in connection with Crime No. 179/2021 registered at Police Station City Kotwali, District Raipur (CG) for the offence punishable under Sections 22 (B) of Narcotic Drugs Psychotropic Substance Act, 1985.

2. As per the prosecution case on 28.08.2021, the police received secret information from the informant that present applicant was involved in selling banned tablets and thereafter search was made and from the possession of the applicant 42.18 grams of Nitrazepam tablets was seized and on the basis of such information the police arrested the applicant and the matter is being investigated.

3. Counsel for the applicant submits that the seizure of banned medicine was made from an open place and not from the exclusive possession of the applicant. He further submits that the applicant is in jail since 25.08.2021, therefore, he may be enlarged on bail.
4. On the other hand, counsel for the State opposed the prayer for bail.
5. Taking into consideration the totality of the circumstances and the quantity of the narcotic substance seized from the applicant; offence is triable by Special Judge (NDPS Act), and the applicant is in jail since 28.08.2021, this Court is inclined to release the applicants on bail.
6. Accordingly, the application is **allowed** and it is directed that on applicants furnishing a personal bond in the sum of Rs. 1,00,000/- with one solvent surety to the satisfaction of the concerned Court, he shall be released on bail. The applicant however, shall ensure his appearance before the trial Court as and when so directed, till the disposal of the case. Order accordingly.

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