

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8131 of 2021**

- Harikeshwar @ Rinku Kashyap, S/o Amarnath Kashyap, Aged About 42 Years, R/o Hospital Dafai, Haldibadi, Chirmiri, Police Station Chirmiri, District Koriya Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Anil Gulati, Adv.
For Respondent/State	: Mr. Ravi Maheshwari, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01.11.2021**

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. 316/2021 registered at Police Station- Chirmiri, District Koriya (C.G.) for the offence punishable under Section 22 (B) of the N.D.P.S. Act.
2. The prosecution story, in brief is that, on 09.09.2021, on the basis of information, police seized prohibited drugs and capsule from the possession of present applicant. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
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 quantity of the seized article is less than the commercial quantity. He next added that the applicant is in jail since 09.09.2021, 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 fact that the quantity of the seized article is less than the commercial quantity, 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/-, 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**

R/-