

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8927 of 2020**

- Prithvi Nepali, S/o. Late Rajkumar Nepali, Aged About 23 Years, R/o Pandar Dalli Ward No. 2, Ganesh Chauk, Thana-Dallirajhara, Distt.- Balod (Chhattisgarh).

---- Applicant**Versus**

- The State Of Chhattisgarh Through Out Post - Chichola, Police Station- Chhuriya, Distt.- Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Samir Singh, Adv.
For Respondent/State	: Mr. S.C. Verma, Advocate Genral, Mr. Alok Bakshi, Additional A.G. & Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08.04.2021**

1. The matter is heard though video conferencing.
2. Heard on I.A. Nos. 06/2021, I.A. No. 05/2021 & I.A. No. 04/2021 application for taking documents on record, application for exemption of the Director General of Police, Chhattisgarh from appearance on 08.04.2021 & application for permanent exemption from personal appearance of the Director General of Police, Chhattisgarh before this Hon'ble Court respectively.
3. Upon due consideration and for the reason therein, I.A. Nos. 06/2021, I.A. No. 05/2021 & I.A. No. 04/2021 is allowed.
4. 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. 160/2020 registered at Police Station- Out Post - Chichola, Police Station- Chhuriya, Distt.- Rajnandgaon (C.G.) for the offence punishable under Section 22, 27 (A) of the N.D.P.S. Act.
5. The prosecution story, in brief is that, on 06.11.2020, on the

basis of secret information, police seized ALPRACAN 0.5 Tablet, SPAS-TRANCAN PLUS Capsule from the possession of present applicant. Thereafter, offence has been registered against the present applicant.

6. 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 charge-sheet has already been filed. He next added that the applicant is in jail since 06.11.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application.
8. I have heard learned counsel for the parties and perused the records.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that charge-sheet has been filed, 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.
10. 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**