

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 56 of 2021**

Sunil Prasad Gupta, S/o. Baijnath Prasad Gupta, aged about 46 years, R/o. Village Kadiya, Police Station - Chalgali, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Out Post Karanji, Police Station – Vishrampur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/06/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.26/2020, registered at Police Station – Vishrampur, O.P. Karanji, District – Surajpur (C.G.) for the offence punishable under Section 21 (C) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has not committed any offence as alleged. Witness of search and seizure have been examined in the trial and they have clearly not supported the prosecution case, therefore, nothing is left in the case against this applicant. Hence, the applicant is entitled for grant of bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it is a case of seizure of commercial quantity of psychotropic substance from the possession of this applicant. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 432 bottles of Novitas RC Plus cough syrup each containing 100 ml were seized from the possession of this applicant.
6. Considered on the submissions and the facts of the case. Looking to this fact that witness of search and seizure have not supported the prosecution case, which is found established from the certified copy of the deposition filed along with the bail application, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge