

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1153 of 2022**

- Prakash Gupta S/o Shivnarayan Gupta, Aged About 35 Years, R/o Khalpara Pump House, Police Station- Ambikapur, District- Surguja, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh, Through S.H.O., Police Station- Kotwali Ambikapur, District- Surguja, Chhattisgarh.

**---- Non-applicant**

**MCRC No. 1172 of 2022**

- Sunil Prasad S/o Late Om Prakash Ram, Aged About 32 Years, R/o Gadhdebi Mohalla, Gadhwa, Distt. Gadhwa (Jharkhand)

**---- Applicant**

**Versus**

- State Of Chhattisgarh, Through, S.H.O. Police Station Kotwali Ambikapur, Distt. Surguja (C.G.)

**---- Non-applicant**

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For Applicants – Shri Sanjay Pathak, Advocate.

For State/Non-applicant – Smt. Meena Shastri, Additional Advocate General.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**29-04-2022**

1. As both these applications arise out of the same crime number, i.e. Crime No.1085/2021 registered at P.S. Kotwali Ambikapur, Distt. Surguja, Chhattisgarh, they are being decided by this common order.
2. These are is first bail applications filed under Section 439 of the Cr.P.C by applicants before this Court for grant of regular bail. The applicants have been arrested on 14-10-2021 in connection with aforesaid crime number for the offence under Section 21(C) of the N.D.P.S. Act.
3. Learned counsel for applicants in both the applications submits that these applicants have been falsely implicated in this case. They are in jail since 14-10-2021. Charge sheet has been filed. Hence, it is prayed that these applicants may be granted bail.
4. Learned counsel for the State/non-applicant opposes the applications

submitting that there contraband brown sugar has been seized from the possession of both the applicants, which is more than small quantity but less than commercial quantity. Therefore, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, 10.30 gram brown sugar was seized from the possession of applicant Prakash Gupta and 200.50 gram brown sugar has been seized from the possession of applicant Sunil Prasad. Hence, this case.

7. Considered on the submissions. The seized quantity from both the applicants is more than small quantity but less than commercial quantity, therefore, rigor of Section 37 of the N.D.P.S. Act shall not be applicable to these applicants and further, considering that the case is now pending for trial, I feel inclined to allow both these applications.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**