

(2018) 08 CHH CK 0165

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 4876 Of 2018

Jwala Prasad Chaturvedi

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 13-08-2018

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 21(c)

Citation : (2018) 08 CHH CK 0165

Hon'ble Judges : Rajendra Chandra Singh Samant, J

Bench : Single Bench

Advocate : Arun Kochar, Anant Bajpai

Final Decision : Allowed

Judgement

Rajendra Chandra Singh Samant, J

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of

regular bail. The applicant has been arrested on 06-06-2018 in connection with Crime No.297/2018 registered at P.S. -City Kotwali, District Baloda

Bazar Bhatapara, Chhattisgarh for the offence under Section 21(c) of the N.D.P.S. Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 06-06-2018. No case is

made out against him as the article seized from the applicant is not a narcotic substance under the schedule of the N.D.P.S. Act. Hence, it is prayed

that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant is habitual offender having been prosecuted for

offences under the provisions of the IPC in three occasions, hence, the application may be rejected.

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

5. In this case, seizure of 5472 tablets SPASMO.PROXYVON-PLUS have been seized for the possession of this applicant. Hence, this case.

6. The seizure of the article above does not seem to be included in any of the schedule of the N.D.P.S. Act, hence, after due consideration, I feel

inclined to grant regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that

the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.