

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2602 of 2016

- Dhaniram Gendle S/o Shri Shaymlal Aged About 50 Years R/o Minibasti Jarhabhata Bilaspur, P.S. Civil Line Bilaspur, District Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

- The State of Chhattisgarh Through Station House Officer of Police Station Civil Line, District Bilaspur, Chhattisgarh.

---- **Respondent**

For the applicant	:	Mr. Shivang Dubey, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 367 of 2015 registered at P.S. Civil Line, Bilaspur, District Bilaspur (C.G) for the offence punishable under Section 20-B of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, the applicant alongwith other co-accused were transporting 750 ample of Rexogesic Injection containing Buprenorfin 1500 ml and Nitracclam tablets containing 375 pieces and was trying to sell the same, thereafter they were apprehended.
3. Learned counsel for the applicant submits the applicant is in jail since 22.07.2015 and the quantity of contraband seized in this case comes within the definition of small quantity for which maximum sentence is one year, therefore, looking to the jail sentence already undergone by the applicant, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, on verification she submits that as per the information received, the quantity seized from the applicant comes under the category of 'small quantity'.
5. Taking into such fact that the quantity seized was within the definition of small quantity as also the fact that the applicant is stated to be in jail since 22.07.2015 and looking to the period of detention i.e., more than 11 months already undergone by the applicant and the maximum jail sentence prescribed for the offence is one year, I am inclined to release the applicant on bail at this stage.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE