

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4391 of 2016

- Manas Ghiri (Manish Ghiri) S/o Anil Ghiri Aged About 22 Years (Wrongly Mentioned In The Cause Title), R/o Mini Basti Jarhabhata, P.S. Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.
--- Applicant

Versus

- State of Chhattisgarh Through Police Station Civil Line, Bilaspur, Chhattisgarh.
--- Respondent

For the applicant	:	Mrs. Ranjana Jaiswal, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2016

1. This is second 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 21 & 22 of the Narcotic Drugs and Psychotropic Substances Act and section 120-B, 34 of IPC. The first bail application was dismissed as withdrawn with liberty to file afresh after examination of the material witness.
2. As per the prosecution case, the applicant alongwith other co-accused were transporting 750 ample of Rexogesic Injection containing Buprenorfin 1500 ml and Nitraclam 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. He further submits that the other co-accused Dhaniram Gendle and Dharmendra Sahani have been enlarged on bail in M.Cr.C.No.2602/2016 and M.Cr.C.No.2390/2016 on 27.06.2016 and the case of the present applicant is similar to that of co-accused who have been granted bail, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that similarly placed co-accused Dhaniram Gendle and Dharmendra Sahani have been enlarged on bail in M.cr.C.No.2602/2016 and M.Cr.C. 2390/ 2016.
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 12 months already undergone by the applicant and the maximum jail sentence prescribed for the offence is one year as also the fact that similarly placed co-accused have been enlarged on bail by this Court, I am inclined to release the applicant also 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**