

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8554 of 2016

Faijan Kureshi @ Faiji, S/o. Khurshid Kureshi, Aged About 23 Years, R/o. Adarsh Nagar, Behind Shradha Medical Store, Padmanabhpur, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Mohan Nagar, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.534/2016 registered at Police Station- Mohan Nagar, Durg (C.G.) for the offence punishable under Section 21 of N.D.P.S. Act.
2. As per the prosecution case, on a raid being conducted on 24.10.2016 from the possession of the applicant along-with other co-accused total 10.580 gram of Brown Sugar was seized and from the present applicant 2.860 gram was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the seizure amounts to small quantity. He further submits that the offence is triable by the Magistrate First Class and the charge sheet has been filed, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that from the possession of the present applicant only 2.860 gram of Brown Sugar was seized.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that from the possession of the present applicant 2.860 gram of Brown Sugar was recovered, which appears to be small quantity and the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge