

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1159 of 2017

- Mohd. Shahid S/o Mohd. Nashir, Aged About 30 Years R/o Subhash Nagar, Near Chandra Kirana 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 : Miss Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/03/2017

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 1.10 milligrams was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the seizure comes under the small "small quantity". He further submits that the offence is triable by the Magistrate First Class and the charge sheet has been filed, the applicant is in jail since 24.10.2016 and similarly placed accused Faijan Kureshi @ Faiji has been enlarged on bail by this Court in M.Cr.C.No. 8554 of 2016 on 23.01.2017 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 facts that from the possession of the present applicant only 1.10 gram of Brown Sugar was seized and the co-accused against whom similar allegations were levelled has been enlarged on bail by this Court in M.Cr.C.No. 8554 of 2016.
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 1.10 gram of Brown Sugar was recovered, which appears to be small quantity and the charge sheet has been filed as also the fact that similarly placed co-accused has been enlarged on bail by this Court whereas this applicant is stated to be in jail since 24.10.2016, I am inclined to allow this bail application.
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