

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.1975 of 2018**

Prasanna Kumar Naik, S/o Shri Shashibhushan Naik, aged about 45 years, R/o Makan No.23/2, Manjha Kol, Ward No.1, Lokdiya, Baramkela, Raigarh, District Raigarh, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station In charge, P.S. Pussour, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Harsha Wardhan, Advocate
For Respondent	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****4.5.2018**

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.29 of 2018 registered at Police Station Pusore, District Raigarh for offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act.
2. Case of the prosecution, in brief, is that on 27.1.2018, on the basis of information received from an informant, one autorickshaw allegedly owned by the present Applicant was stopped and searched by the police. In the search, 6 cartons of Corex Cough Syrup were found kept in the autorickshaw and the same were seized from the Applicant. Total 960 bottles of syrup were seized. Each bottle had contained 100 ml. cough syrup in which prohibited drug Kodeine Phosphate was mixed.

3. Learned Counsel appearing for the Applicant submits that the Applicant has falsely been implicated. He is innocent. He is only a driver of the vehicle and he drives the vehicle for his livelihood. He did not know what was kept in the cartons. Consignor of the goods was M/s Rahul Agency and the consignee thereof was M/s Mangal Pharma and he was only to deliver the goods. He is in custody since 12.2.2018. Therefore, he may be released on bail.
4. Learned Counsel appearing for the Respondent/State has admitted that along with the seizure of the bottles of syrup a receipt was also seized from the Applicant according to which consignor of the goods was M/s Rahul Agency and the consignee thereof was M/s Mangal Pharma.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Considering the facts and circumstances of the case and that the Applicant is in custody since 12.2.2018, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE