

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3267 of 2018**

Vinayak Sahu @ Bidi, S/o Late Nanhuram Sahu, aged about 31 yars, Village Sagarpur, P.S. Baikunthpur, District Koriya (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, P.S. Baikunthpur, District Koriya (C.G.)

---- Non-applicant

For Applicant	:	Mr. Shakti Raj Sinha, Advocate.
For Non-applicant	:	Mr. Gary Mukhopadhyaya, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****25/06/2018**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 55/2018 registered at Police Station Baikunthpur, District Koriya (C.G.) for the offence punishable under Section 21(B) of The Narcotic Drugs and Psychotropic Substances Act, 1985.

(2) Case of the prosecution, in brief, is that applicant and other co-accused persons were found in possession of 118 grams of Codiene phosphate and thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He further submits quantity of codience phosphate seized is the small quantity under the law as the commercial quantity is 1 kg and the applicant is in jail since 15.03.2018

and the charge sheet has already been filed and, therefore, the applicant is entitled to be released on bail.

(4) Per contra, counsel for the State would submit that for the offence under Section 21(B) of the NDPS Act, punishment prescribed is imprisonment for 10 years with fine which may extend up to one lakh rupees whereas applicant is in detention since last three months and, therefore, the applicant is not entitled to be released on bail.

(5) I have heard the counsel appearing for the parties and perused the case diary.

(6) Taking into consideration the nature and gravity of the offence, facts & circumstances of the case and further considering the facts that applicant is in detention since 15.03.2018; charge sheet has already been filed and the fact that quantity of medicine recovered is less than the commercial quantity; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

