

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3346 of 2018**

Ajay Shahani S/o Late Babulal Shahani, aged about 25 years, R/o Atal Awas Sakri, Police Station – Sakri, Civil and Revenue, District Bilaspur (C.G.)
----Applicant

Versus

The State of Chhattisgarh, through the Station House Officer, Police Station Sakri, District Bilaspur (CG)
---- Non-applicant

For Applicant	:	Mr. K.P.S. Gandhi, Advocate.
For Respondent/State	:	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/07/18**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.108/2018, registered at Police Station- Sakri, District Bilaspur (CG), for the offence punishable under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substance Act, 1985.
2. Case of the prosecution, in brief, is that applicant was found in possession of 50.04mg of Buprenorphine and thereby committed the offence under the aforesaid sections.
3. Learned counsel for the applicant would submit that the applicant has falsely been implicated in crime in question. He would further submit that the said quantity is less than the small quantity of Buprenorphine which is said to

be 1gm. He would also submit that the applicant is in jail since 13.04.2018 and charge-sheet has already been filed, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the present applicant; and the quantity is said to have been less than the small quantity of Buprenorphine was found in his possession and the fact that he is in custody since 13.04.2018, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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/-

(Sanjay K. Agrawal)
Judge