

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3674 of 2018**

Taiyabb Khan S/o Rasid Mohammed, Aged About 20 Years, R/o-
Baramkela, Police Station Baramkela, District- Raigarh,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police
Station Dongaripali, District- Raigarh, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Ashish Gupta, Advocate
For the State	:	Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**25/06/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 3/2018 registered at Police Station Dongripali, District Raigarh (C.G.) for the offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act.
3. As per the prosecution case, on the basis of the information received from informant on 13/02/2018 near about 11.20 a.m. in village Ghoghra Chowk Inspector Ram Avtar Patel, Police Station Dongripali seized 60 bottles from the present applicant and 220 bottles from co-accused Asif Khan. Each bottle contained 100 ml. As per the report of Medical Inspector 56 gram Codenie phosphate was present in aforesaid bottles. 12 gram Codenie Phosphate was present in

aforesaid 60 bottles seized from the present applicant. As per the notification small quantity is 10 gram. The aforesaid quantity is more than is small quantity to less than the commercial quantity.

4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case and the applicant is in custody since 13/02/2018, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence, charge-sheet has been filed and the trial will take its own time, applicant is in jail since 13/02/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge