

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3937 of 2018

Avinash Dubey S/o Umeshwar Dubey, aged about 34 years, R/o- Mohalla-Mayapur, Near Shiv Mandir, P.S. Ambikapur, Distt. - Sarguja (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, P.S.- Ambikapur, Distt.- Sarguja (C.G.).

---- Respondent

For Applicant	:	Mr. Akhtar Hussain, Advocate
For Respondent	:	Mr. Ramakant Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/06/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 707/2017 registered at Police Station- Ambikapur, Distt. - Sarguja (C.G.) for the offence punishable under Sections 8 & 21 (C) of the NDPS Act.
2. As per prosecution story on 26/11/2017, on receiving a secret information from the informant, the police officials made a search in vehicle of the applicant bearing registration No. CG 11 B 4338 and seized 19 pieces of RC Cough Syrup bottles (each containing 100 ml) from the 'dikki' of the said car. It is alleged that in the said bottles, prohibited drug Codeine and Triprolidine was found. Offence was registered and the applicant was taken into custody on 27/11/2017.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that in the seized cough syrup bottles, prohibited drug Codeine and Triprolidine was found in small quantity not in commercial quantity. He further submits that the applicant is in custody since 27/11/2017, charge-sheet has already been filed and the trial will likely to take some time, therefore, he prays for grant of bail to the applicant.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that in the seized bottles prohibited drugs was found in small quantity, the applicant is in custody since 27/11/2017 and the charge-sheet has already been filed, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel