

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4011 of 2018**

Brijendra Sarthi S/o Shri Brijlal, Caste – Ghasiya, aged about 28 years,
R/o Jharnapara, Police Station – Baikunthpur, District Koriya (C.G.)

----Applicant

Versus

The State of Chhattisgarh, through the Station House Officer, Police
Station Baikunthpur, District Koriya (CG)

---- Non-applicant

For Applicant	:	Mr. D. N. Prajapati, 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.55/2018, registered at Police Station- Baikunthpur, District Koriya (CG), for the offence punishable under Sections 21(B) of Narcotic Drugs and Psychotropic Substance 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 for the applicant would submit that the applicant is innocent person has falsely been implicated in crime in question. He would further submit that quantity of Codiene Phosphate seized is the small

quantity under the law as the commercial quantity is 1kg and the applicant is in jail since 15.03.2018 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 and 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 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; and the fact that applicant is in detention since 15.03.2018, charge sheet has already been and the fact that quantity of medicine recovered is less than the commercial quantity and the other co-accused namely Vinayak Sahu has already been enlarged on bail on 25.06.2018 in M.Cr.C. No. 3267 of 2018, this Court is of the opinion that present is a fit case, in which, the applicant should also 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.

Certified copy, as per rules.

SD/-

(Sanjay K. Agrawal)

Judge