

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4320 of 2018**

1. Shabir Khan son of Kareen Khan, aged about 24 years, Caste Musalman, R/o Dhobipara, PS Dhourpur, District Sarguja (CG

---- Applicant**Versus**

1. State of Chhattisgarh through SHO Police Station Batouli, District Sarguja, CG

---- Respondent

For Applicant	-	Shri Jitendra Shrivastava, Advocate
For State	-	Shri Rahul Tamaskar, PL

Order on Board by Hon'ble Shri Justice Pritinker Diwaker**03/07/2018**

This application under Section 439 of the Code of Criminal Procedure has been filed by the applicant who is in custody in connection with Crime No. 97/2017 registered at Police Station Batouli, District Sarguja for commission of the offence punishable under Section 21 of the NDPS Act..

2. Case of the prosecution in short is that the applicant was found in possession of 39 bottles each containing 100 ml of Codein Phosphate Triprolodyne Hydrochloride Syrup.

3. Counsel for the applicant submits that as the applicant is in custody since 27.10.2017, the mandatory provisions of the NDPS Act have not been followed in this case, charge sheet has been filed and the trial may take some time for conclusion, he may be released on bail.

3. State counsel however opposes the application for bail.

4. Considering the facts and circumstances of the case, quantity of the contraband seized and that the applicant is in jail since 27.10.2017, this Court is of the opinion that it is a fit case to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail

on his furnishing a bond in the sum of Rs. 2,00,000/- (Two Lakhs) with one surety for the like sum to the satisfaction of the concerned Court for his appearance before that Court as and when directed.

Sd/-

(Pritinker Diwaker)

Judge

Jyotishi