

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5123 of 2018

- Sunil Kumar Gupta S/o Purushottam Gupta Aged About 46 Years R/o Juna Bilaspur, Baniapara, Thana- City Kotwali, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station Incharge, Thana- City Kotwali Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Arvind Shrivastava, Advocate.
For Respondent : Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.322/2018, registered at Police Station– City Kotwali, District– Bilaspur(C.G.) for the offence punishable under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 09.07.2018. No case is made out against him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. On the date of incident on 09.07.2018 on a search made by the police personnel of PS-City Kotwali, District-Bilaspur in the house of this applicant huge quantity of Tusscodine Cough Syrup and SPARPOKRAN Capsuls containing Codine were seized. The quantity in weight of the Codine calculated in the seized material is more than lesser quantity but lesser than commercial quantity. Hence, this case.
6. Considered on the entire material present in the case diary, applicant does not have any criminal antecedent and no purpose would be served if the applicant is kept in detention till the conclusion of trial. For this reason, I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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/-

(Rajendra Chandra Singh Samant)
Judge

Nisha