

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5686 of 2018**

- Ramayan Kumar Kashyap S/o Laxman Prasad Kashyap Aged About 22 Years Caste Kahar, Occupation Labourer, R/o Village Rajkheta, Chowki Wadrafnagar, P. S. Basantpur Distt. Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Lakhanpur District Surguja Chhattisgarh.

---- Non-applicant

For Applicant : Shri Neeraj Mehta, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 88/2018 registered at Police Station – Lakhanpur, District – Surguja (C.G.) for the offence punishable under Section 21(B) of the N.D.P.S. Act.
3. Case of the prosecution, in brief is that on 12.05.2018 near about 16:30 hrs. at Lakhanpur Gorta Chowk 35 bottles of Codectuss Cough Syrup and 600 Nos. Anziliium Tablets were seized from the applicant.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the

present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.

6. Each bottle contained 100 ml. As per the report of Medical Inspector each 5 ml contains 10 mg of Codeine Phosphate. Thus, 3500 ml of the cough syrup was containing 7 g of Codeine Phosphate, which is less than small quantity of 10 g. As per the said report each tablet was containing 0.5 mg Alprazolam, thus, 600 Nos. of the tablet were containing 0.3g which is less than small quantity of 5g.

7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.30,000/- along with a personal bond of like sum to the satisfaction of the concerned Trial Court with the condition that he will 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.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE