

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5877 of 2018

Prakash Kanwal, aged about 35 years S/o Shri Hola Ram Kawal, R/o House No.- E-20 Sector-05, Devendra Nagar, Police Station- Devendra Nagar, Raipur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station- Arang, District- Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Kishore Bhaduri, Advocate
For Respondent	:	Mr. Vaibhav Goverdhan, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25/09/2018

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. 312/2018 registered at Police Station- Arang, District- Raipur (C.G.) for the offence punishable under Section 21-B of the NDPS Act.
2. As per prosecution story, on 14/07/2018 on the basis of information received from the informant, one Safari bearing registration No. CG04 F J 0091 was searched, which was being driven by co-accused Anish and total 800 bottles of Scoop Cuff Syrup were seized from his possession. Co-accused- Anish disclosed the fact that he brought the said Syrup from the present applicant. On the basis of said information, house of the present applicant was also searched and 160 bottles of Scoop Cuff Syrup were seized from the possession of the present applicant. On being examination of the said 160 Syrup bottles,

32 grams of Codeine phosphate was found. The applicant was arrested on 14/07/2018.

3. Mr. Kishore Bhaduri, learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The seized drugs does not come under the purview of commercial quantity. The applicant is in jail since 14/07/2018 and the trial will likely to take some time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that the applicant is resident of Pakistan nation and if the bail is granted to him then there is every possibility of absconding of the applicant.
5. In this regard, learned counsel for the applicant submits that the applicant is resident of Pakistan nation, but he has applied for the nationality of Indian country. Initially, his residential permit was granted from 23/01/2003 to 03/04/2003 to live in India and the same has been extended from time to time. Even, his residential permit is valid till 16/12/2018 and there is every possibility for extension of the said permit, therefore, he may not abscond.
6. Considering the entire facts and circumstances of the case, without further commenting on merits 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. 1,00,000/- with two local sureties

each of Rs. 50,000/- to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge

Rahul