

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6796 of 2018

Vikas Kashyap S/o Kashinath Kashyap, aged about 35 years, R/o Mayapur, P.S. and Tahsil Ambikapur, District- Surguja (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station- Pata, District- Balrampur- Ramanujganj (C.G.).

---- Respondent

For Applicant	:	Ms. Hamida Siddique, Advocate
For Respondent	:	Mr. Sangarsh Pandey, Dy. Govt.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/10/2018

1. The applicant has preferred this Second bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 11/2018 registered at Police Station- Pasta, District Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 21 (B) of the NDPS Act, 1985.
2. First bail application of the applicant was dismissed for want of prosecution vide order dated 27/08/2018 passed in MCRC No. 5538/2018.
3. As per prosecution story, on 29/03/2017 on the basis of information received from the informant, the Investigating Officer of the case stopped a bus bearing registration No. CG5C-0282 and found that the applicant was sitting in the said bus. On search, 190 bottles of ONEREX Cough syrup and 26 strips of ALPRASAFE-0.5 tablet,

containing 10 tablets each strips was found from the possession of the present applicant. On being examination of the seized articles, total 38 gram Codeine phosphate was found in the ONEREX cough syrup and total 130 milligram prohibited drugs was found in ALPRASAFE-0.5 tablet. On the basis of above, the applicant was arrested on 19/03/2017.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The said cough syrup bottles and tablets have been seized from the bus. It is not established that the applicant was having exclusive possession over the said articles. She further submits that the quantity of codeine phosphate in the said cough syrup bottles is below commercial quantity. The quantity of prohibited drugs in the seized tablets is in small quantity. The applicant is in custody since 19/03/2017, charge-sheet has been filed and the trial will likely to take some time, therefore, the applicant may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly considering that the quantity of codeine phosphate in the said cough syrup bottles is below commercial quantity, the quantity of prohibited drugs in the seized tablets is in small quantity, charge-sheet has already been filed, trial will likely to take some time and the applicant is in custody since 19/03/2017, I am inclined to release the

applicant on bail.

8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul