

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6843 of 2018

1. Mohd. Ashib (Wrongly Mentioned As Ashif) S/o Guljar Ahmad Aged About 21 Years, District : Koriya (Baikunthpur), Chhattisgarh
2. Tabrej Ali @ Bhola S/o Tijarat Ali Aged About 23 Years R/o Majgawa Miyapara, Police Station Baikunthpur, District Korea, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Charcha, District Korea, Chhattisgarh.

---- Respondent

For Applicants	: Shri Anil Gulati, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/11/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 102/2018, registered at Police Station – Charcha, District Korea (C.G.) for the offence punishable under Section 21 (B) of the NDPS Act.
2. As per the prosecution story, on 11.08.2018, on the basis of information received information from an informant, investigation officer of the case conducted raid and searched both the applicants, on being searched he found 73 bottles of cough syrup, 820 alprasafe tablets and 168 spazmo proxivon tablets (total 14.06 grams of codeine was available in the cough syrup bottles) and it has been seized from the joint possession of the present applicants.
3. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. Mandatory provisions of the NDPS Act have not been complied

with. He further submits that quantity of the said drug is not in commercial quantity, the applicants have no criminal antecedent, they are in custody since 11.08.2018 and trial will take some time. Therefore, they may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that quantity of the said drug is not in commercial quantity, the applicants have no criminal antecedent, they are in custody since 11.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 50,000/- with two local solvent sureties each of Rs. 25,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge