

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7327 of 2018**

- Mohd. Anish S/o Ghulam Jilani Aged About 34 Years R/o Near Hatli, Sohela, Police Station - Sohela, District - Bargarh, Orissa.

---- Applicant**Versus**

- State of Chhattisgarh Station House Officer, Arang, District - Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Sarfaraj Khan, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**31/10/2018**

1. The applicant has preferred this first bail application under Section 439 of 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 Sections 21- B of NDPS Act and Section 14 of Foreigner Act, 1946.
2. As per the prosecution story, on 14.07.2018, on the basis of information received from an informant, police personnels searched one Safari bearing registration No. CG-04-FJ-0092 which was driven by the present Applicant Mohd. Anish and total 800 bottles of Scoop Cuff Syrup were seized from his possession. The Applicant disclosed the fact that he brought the said Syrup from the co-accused Prakash Kanwal. On the basis of the said information, house of the co-accused Prakash was searched and total 160 bottles of Scoop Cuff Syrup were seized from the possession of the present Applicant. The Applicant was arrested on 14.07.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that the quantity of the seized drugs is less than commercial quantity. Co-accused Prakash Kanwal has already been granted bail by this Court vide order dated 25.09.2018 passed in MCRC No. 5877/2018. Applicant is in custody since 14.07.2018 and trial will take some time. Therefore, he 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.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that quantity of the seized drugs is less than commercial quantity and co-accused has already been granted bail, the Applicant has no criminal antecedent, he is in custody since 14.07.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 20,000/- with one solvent 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