

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7279 of 2018

- Raju Shrivass S/o Melau Shrivass, Aged About 29 Years R/o Akaltari, Thana - Ratanpur, District - Bilaspur, At Present R/o Mudapar Korba, Chauki - Manikpur, Thana - Kotwali, District - Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Chauki - Manikpur, Police Station - Kotwali, District - Korba, 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

01/11/2018

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. 588/2018, registered at Chauki - Manikpur, Police Station - Kotwali, District - Korba, Chhattisgarh, for the offence punishable under Sections 21(B) of NDPS Act.
2. As per the prosecution story, on 03.09.2018, on the basis of information received from an informant, police personnels searched the Applicant and co-accused Ganesh Shrivass and seized total 100 bottles, 50 bottles from each of the accused persons of Tusscodine -T, each bottle containing 100 ml. On being examined, 20 gm of prohibited drug codine was found. The Applicant has been taken into custody on 15.08.2018
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. Applicant is in custody since 15.08.2018 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 lesser than the commercial quantity, the Applicant is in custody since 15.08.2018 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