

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7284 of 2018**

- Jasmuiddin @ Vicky S/o Samsuddin Aged About 26 Years R/o Purana Bazarpara, Surajpur, Police Station Surajpur, District Surajpur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Surajpur, Revenue and Civil District Surajpur 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**30/10/2018**

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. 226/2018, registered at Police Station – Surajpur, District- Surajpur, (C.G.), for the offence punishable under Sections 21(B) of NDPS Act.
2. As per the prosecution story, on 24.06.2018, on the basis of information received from an informant, police personnels searched the Applicant and co-accused Jitendra Shukla and seized 26 pieces of Avil Injection (each 10 ml) and 26 pieces of Rexojestin Injection (each 2 ml) from the possession of the accused persons respectively. Quantity of Pheniramine maleate found in 26 Avil Injections and Buprenorphin found in Rexojestin Injections is less than the commercial quantity. The Applicant was arrested on 24.06.2018.
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 Jitendra Shukla has already been granted bail by the learned Court below. Applicant is in custody since 24.06.2018 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, he is in custody since 24.06.2018 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