

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7295 of 2018**

- Lakshmi Gupta S/o Late Amrit Lal Gupta Aged About 45 Years R/o Chantidih, Police Station- Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Arvind Shrivastava, Advocate.
For Respondent/State	: Shri R.K. Jaiswal, 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. 755/2018, registered at Police Station – Sarkanda, District- Bilaspur, (C.G.), for the offence punishable under Sections 21 and 22 of NDPS Act, 1985.
2. As per the prosecution story, Applicant was found in unauthorized possession of in all 280 bottles of Cough Max, Cough Syrup containing 100 ml Syrup in each bottle. After examining the said bottles, it was found that quantity of the Codine present in the 280 bottles is 560gm, which is more than the small quantity but less than the commercial quantity. The Applicant was taken into custody on 17.09.2018.
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 more than the

small quantity but less than the commercial quantity. Applicant is in custody since 17.09.2018 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 more than the small quantity but less than the commercial quantity, he is in custody since 17.09.2018 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