

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7495 of 2018

- Ambika Vishwakarma S/o Shiv Prasad Vishwakarma Sahu, aged about 30 years R/o Village Chainpur, P. S. And Tahsil Lakhanpur, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Officer In Charge, Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Shri K.G. Kela, Advocate.
For Respondent/State : Shri UKS Chandel, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/11/2018

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. 480/2018, registered at Police Station – Ambikapur, District - Surguja, Chhattisgarh, for the offence punishable under Sections 21(C) of NDPS Act, 1985.
2. As per the prosecution story, on 20.09.2018, on the basis of information received from an informant, police personnel searched the present Applicant and seized total 143 bottles of RC cough Syrup each bottle containing 100 ml. On being examined, total 28.60gm codien has been found. The Applicant has been taken into custody on 21.09.2018.
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 Applicant has no criminal antecedent. The

mandatory provisions of NDPS Act has not been complied with and the quantity of the seized drugs is lesser than commercial quantity. Applicant is in custody since 21.09.2018 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 the Applicant has no criminal antecedent, quantity of the seized drugs is lesser than the commercial quantity, the Applicant is in custody since 21.09.2018 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