

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7684 of 2018

- Kalicharan Gautam, Aged about 30 years, S/o Shri Nanhelal, R/o Subhash Nagar, Q. No. 1164, Charcha, P.S. Charcha, District-Koriya, C.G. Permanent Address-Village-Deodanti, Post-Parsel, P.S. Naurojabad, District-Umariya (M.P.).

---- Applicant

Versus

- State of Chhattisgarh Through Police Station – Baikunthpur, District- Koriya (C.G.)

---- Respondent

For Applicant	: Shri Pawan Shrivastava, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/10/2018

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. 176/2018, registered at Police Station – Baikunthpur, District- Koriya (C.G.) for the offence punishable under Section 21 (B) of the NDPS Act.
2. As per the prosecution story, on 11.09.2018 on the basis of information received from an informant police personnels searched the applicant and total 80 bottles of intoxicate Syrup Novitas Rc Kuff Syrup has been found from his possession. On being examined of said bottles total 16 grams of codeine phosphate has been found in it. The applicant has been taken on custody on 11.09.2018.
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 seized drugs does not come under the purview of the commercial quantity, the applicant is in custody since

11.09.2018, charge-sheet has already filed 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 with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the seized drugs does not come under the purview of commercial quantity , the applicant is in custody since 11.09.2018, charge-sheet has already filed 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