

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.7482 of 2018**

Ashlesh Birnani S/o Ganesh Birnani, aged about 37 years, Resident of
Lalbag, Sindhi Colony, Rajnandgaon, District Rajnandgaon (CG)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Chhavni, Durg,
District Durg (CG)

---Non-Applcant

And**M.Cr.C.No.7651 of 2018**

Yogesh Kumar Sen S/o Shankar Lal Sen, aged about 32 years, R/o Vijay
Nagar, Durg, Tahsil and District Durg (CG)

---Applicant

Versus

The State of Chhattisgarh, Through the Police Station Chhawani, District
Durg (CG)

---Non-Applcant

For Applicant	:	Mr.Prateek Sharma, Advocate in M.Cr.C.No.7482/2018
For Applicant	:	Mr.M.K.Bhaduri, Advocate in M.Cr.C.No.7651/2018
For Non-Applcant	:	Mr.Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

31/10/2018

1. Since the aforesaid two bail applications have been filed against the same crime number i.e. Crime No.642/2018, they are being disposed of by this common order.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the

applicants who have been arrested in connection with Crime No.642/2018, registered at Police Station-Chhawani, District-Durg (CG), for the offence punishable under Sections 22 and 27 (A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called as "NDPS Act")

3. Case of the prosecution, in brief, is that applicant-Ashlesh Birnani was found in possession of 117 bottles of cough syrup containing 1.17 grams of codeine and applicant-Yogesh Kumar Sen was found in possession 110 bottles of cough syrup containing 1.10 grams of codeine and thereby committed the offence.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. They would further submit that total 2.27 grams of codeine have been seized from the present applicants, which is small quantity i.e. less than 10 grams. The applicants are in jail since 26.8.2018 and charge-sheet has already been filed.

5. On the other hand, learned counsel for the State would oppose the bail applications.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence and considering the quantity of codeine i.e. less than 10 grams, which is small quantity as per schedule of the NDPS Act, pre-trial detention of the applicants and the fact that charge-sheet

has already been filed, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants-**Ashlesh Birnani** and **Yogesh Kumar Sen** shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-