

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.7702 of 2018**

- Deepak Tiwari S/o Ganga Ram Tiwari Aged About 33 Years R/o Nareshpur Uparpara, Police Station Surajpur District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station Surajpur District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Shri AN Pandey, Advocate
For respondent/State	: Shri Vivek Sharma, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****22.11.2018**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 19.7.2018 in connection with Crime No. 257/2018 registered at Police Station- Surajpur (Surguja) (C.G.), for the offence punishable under Section 21(b) of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short 'the Act 1985').

2. The applicant has been charge sheeted on the basis of his possession of 67 number of Avil injection of 10 ml and 67 number of Buprenorphine each having the quantity of 0.6 mg in total 40.2 mg.

3. Learned counsel for the applicant submits that seized Avil is not included in the list of Narcotic Drugs and Psychotropic Substances as per the notified table of the Act 1985. The quantity

of Buprenorphine is less than the small quantity because the small quantity of the said article is one gram, therefore, the offence is punishable under Section 22(a) of the Act, 1985 for which the sentence of one year or fine may be imposed and corporal punishment is not compulsory. Therefore, the applicant may be released on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Perused the entire material available on record.

6. Looking to the fact that quantity of Buprenorphine is less than the small quantity, without further commenting on the merits of the case, I am inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
JUDGE