

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8095 of 2017

- Mohd. Jalaluddin @ Jamal Khan S/o Mohd. Jumrati Khan, Aged About 30 Years Wrongly Mentioned As Mohd. Jumrati Khan In The Impugned Order R/o Baheradeeh Police Station Lundra Distt. Surguja Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ambikapur, Distt. Surguja Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Amit Sahu and Mr. R.K. Pali, Advocates.

For Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/03/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.388/2017, registered at Police Station– Ambikapur, District– Surguja(C.G.) for the offence punishable under Section 21(b) of Narcotic Drugs and Psychotropic Substances Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is simply an auto driver and he was hired by Ansh Medical Store at Ambikapur for transporting the consignment of some medicine in his auto to the bus stand. It was at that time that he was apprehended and searched and the seizure was made. Applicant was not in conscious possession of

the article seized by the police. No case is made out against him, hence, it is prayed that he is entitled for grant of bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that looking to the evidence present against this applicant, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident, the police personnel of PS-Ambikapur, stopped one auto bearing registration No.472. Applicant the driver of auto tried to escape from the spot, but he was caught by the policemen. Thereafter, on a search made, it was found that 120 bottles of cough syrup 'Relax' were found in his possession, which contains Codeine Phosphate. On the basis of the calculation, 24 gm Codeine Phosphate was found in the said bottles of seized cough syrup, which is a prohibited drug under the schedule of NDPS Act and is more than small quantity but lesser than the commercial quantity.
6. Considering on the material present in the case diary and that the applicant is local resident of District-Surguja. The trial against him is likely to take some time before its conclusion, I feel inclined that applicant should be granted regular bail during the pendency of the trial against him.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha