

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8315 of 2018

- Manoj Kumar Gupta, S/o Sanyasi Gupta, Age 38 years, R/o Vill-Nawapara Tenda, Police Station & Tahsil - Gharghoda, Distt. Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Gharghoda, District Raigarh (C.G.)

---- Respondent

For Applicant	: Shri Sanjay Agrawal, Advocate.
For Respondent/State	: Smt. M.Asha, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/12/2018

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. 300/2018, registered at Police Station – Gharghoda, District- Raigarh (C.G.) for the offence punishable under Section 21 of the NDPS Act.
2. As per the prosecution story, on 29.09.2018, on the basis of information received from an informant, investigating officer of the case searched and seized total 90 bottles of RC cough syrup (each containing 100 ML) from the possession of the present applicant. On being examined the said bottles total 18 grams of codeine was found. The applicant is in custody since 29.09.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. Mandatory provisions of the NDPS Act have not been complied with, the applicant is in custody since 29.09.2018 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 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 applicant is in custody since 29.09.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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. 25,000/- 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