

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8681 of 2018**

- Ganesh Shriwas S/o Shiv Shriwas, aged about 28 years, R/o Lakshman Bandh Talab, Korba, Police Station- Kotwali, District- Korba, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Out Post- Manikpur, Police Station- Kotwali, Korba, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dharmesh Shrivastava, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**06/12/2018**

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. 588/2018, registered at Police Station – Kotwali, Out Post – Manikpur, District – Korba, Chhattisgarh, for the offence punishable under Sections 21 & 22 of NDPS Act.
2. As per the prosecution story, on 15.08.2018, on the basis of information received from an informant, police personnel searched the Applicant and co-accused Raju Shrivastava and seized total 100 bottles (50 bottles each from the accused persons) of cough syrup Tusscodine-T, each bottle containing 100ml. On being examined, 20 gm of prohibited drug codeine has been found. The Applicant has been taken into custody on 15.08.2018.
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 quantity of the prohibited drug found is below

commercial quantity. Co-accused namely Raju Shrivastava, vide order dated 01.11.2018, passed in MCRC No. 7279/2018, has already been granted bail by this Court. The Applicant is in custody since 15.08.2018 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 and submits that the quantity of the drug found in the seized total 100 bottles was above the commercial quantity and therefore, the Applicant should not be enlarged on bail.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that quantity of the prohibited drug found is below commercial quantity, co-accused has already been granted bail by this Court, the Applicant is in custody since 15.08.2018 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