

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 306 of 2019

- Ajay Dewangan S/o Panchram Dewangan Aged About 29 Years R/o Power House, Behind Jawahar Market, House No. 215, Camp-2, Bhilai, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mohan Nagar Durg Chhattisgarh

--- Respondent

For Applicant	: Shri Shashank Thakur, Advocate.
For Respondent/State	: Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/01/2019

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. 311/2018, registered at Police Station Mohan Nagar, District Durg (C.G.) for the offence punishable under Section 20/8, 27 (A) of the NDPS Act.
2. As per the prosecution story, on 12.08.2018 on the basis of information received from the informant, investigation officer of the case searched and seized and 14 bottles of Codeine Phosphate Chirophe Niramine Maleate syrup each containing 100 ml. and total 1400 Spasorid Poxivon capsules, on being examined the said seized articles, 17 grams of prohibited drug Tramadol Hydrochloride was found in the seized capsules and 2.8 grams of codeine phosphate was found in the seized syrup from the possession of the present applicant and he has been arrested on 12.08.2018.
3. Learned counsel appearing on behalf of the applicant submits that

applicant is innocent and has been falsely implicated in the present case. Mandatory provision of the NDPS Act has not been complied with. He further submits that co-accused Shailesh Sharma has already granted benefit of bail by this Court vide order dated 07.01.2019 passed in MCRC No. 7314/2018 and Applicants Sumit Kumar Bhoi and Rakesh Lodhi granted benefit of bail by the Trial Court vide order dated 10.01.2019, the applicant is in custody since 12-08-2018, charge-sheet has already been filed and trial will take some time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the other co-accused persons have already granted benefit of bail, the applicant is in custody since 12-08-2018, charge-sheet has already been filed and trial will 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. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge