

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 569 of 2019**

- Sunil Yadav S/o Jawahar Lal Yadav Aged About 36 Years R/o Gokulganj, Sitamani, Korba, P. S. Kotwali, District Korba Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through P. S. Kotwali, District Korba, Chhattisgarh.

---- Respondent

For Applicant	: Shri Syed Imtiyaz Ali, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**08/02/2019**

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. 695/2018, registered at Police Station – City Kotwali, Korba, District- Korba, (C.G.) for the offence punishable under Section 21(C) of NDPS Act.
2. As per the prosecution story, on 15.09.2018, on the basis of information received from an informant, police personnel searched the vehicle bearing registration No. CG-12-AK-6588 and found the present Applicant as well as co-accused Chandrashekhar in possession with 96 bottles of cough syrup namely Coffmax syrup each bottle containing 100 ml and Pyeevon Spas Plus Capsule which were contained in 11 boxes each box containing 240 capsule. On being examination 96 gm of prohibited drug codeine and 132 gm of prohibited tablets have been found. On the basis of the said, offence has been registered. The Applicant has been taken into custody on 15.09.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the case. He further submits that charge-sheet has been filed. Applicant has no criminal antecedent, he is in custody since 15.09.2018 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 seized prohibited drug is between small and commercial quantity,
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 the seized prohibited drug is between small and commercial quantity, Applicant is in custody since 15.09.2018 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge