

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 795 of 2019**

- Sheikh Mahmud S/o Marhum Abdul Shakil, Aged About 32 Years R/o Near Masjid, Mathpuraina, P. S. Tikrapara, Tahsil and District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Tikrapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Ajay Chandra, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**13/03/2019**

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. 16/2019, registered at Police Station - Tikrapara, District – Raipur, Chhattisgarh, for the offence punishable under Sections 20(B) of NDPS Act.
2. As per the prosecution story, on 10.01.2019, on the basis of information received from an informant, police personnel searched the Applicant and total 132 bottles of cough syrup namely codeine phosphate, each bottle containing 100ml have been seized from his possession. On being examined, 26 gm of prohibited drug codeine has been found. On the basis of the said, offence has been registered. The Applicant has been taken into custody on 10.01.2019.
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 mandatory provisions of the Act has not been

complied with. The quantity of the prohibited drug found is between small and commercial quantity. He further states that Applicant has no criminal antecedents, he is in custody since 10.01.2019 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.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant has no criminal antecedents, the Applicant is in custody since 10.01.2019 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