

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1046 of 2019**

1. Sampatlal Kurre, S/o Shri Bhokoram Kurre, Aged About 35 Years, Occupation - Agriculturist / Labourer, R/o Village Bade Gumda Police Station And Tahsil - Gharghoda, District – Raigarh, Chhattisgarh.
2. Sudhir Gupta S/o Shri Gopal Gupta, Aged About 23 Years, Occupation - Agriculturist / Labourer, R/o Village Chhote Gumda Police Station and Tahsil - Gharghoda, District – Raigarh, Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through - Station House Officer of The Police Station - Gharghoda, District – Raigarh, Chhattisgarh.

---- Respondent

For Applicants	: Shri Abhishek Saraf, Advocate.
For Respondent/State	: Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**01/03/2019**

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 14/2019, registered at Police Station - Gharghoda, District – Raigarh, Chhattisgarh, for the offence punishable under Section 21 of NDPS Act.
2. As per the prosecution story, on 19.01.2019, on the basis of information received from an informant, police personnel searched the Applicants and total 28 bottles of Corex Cough Syrup each bottle containing 100 ml and total 20 bottles of Corex Cough Syrup each bottle containing 100 ml have been seized from the possession of Applicant No. 01 and Applicant No. 02 respectively. On being examined, total 9.6 ml prohibited drug codeine has been found. On the basis of the said, offence has been registered. The Applicants

have been arrested on 19.01.2019.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that the mandatory provisions of the Act has not been complied with. He also states that quantity of the seized drug codeine is in between the small and commercial quantity. The Applicants have no previous criminal antecedents, they are in custody since 19.01.2019 and trial is likely to take some time. Therefore, they 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 quantity of the prohibited drug found is in between small and commercial quantity, the Applicants are in custody since 19.01.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them furnishing 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 their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge