

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1028 of 2019

- Shamsaad Ansari S/o Mahafuj Ansari Aged About 22 Years R/o Village Rehda, Police Station And Tahsil Kusmi District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Rajpur, District Balrampur- Ramanujganj Chhattisgarh.

---- Respondent

AND

MCRC No. 1413 of 2019

- Parvej Alam S/o Kamrudin Ansari Aged About 28 Years R/o Village Chalgali P.S.- Shankargarh, District- Balrampur, Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Rajpur, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant (in MCRC No. 1028/2019): Mr. AK Prasad, Advocate.
For Applicant (in MCRC No. 1413/2019): Mr. AK Yadav, Advocate.
For Respondent/State : Mrs. Smita Ghai, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/03/2019

1. Since, both the cases arise out of same crime number, therefore, they are being disposed of by this common order.

2. The applicants have preferred these first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 254/2018, registered at Police Station Rajpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 21 (B) of the NDPS Act.
3. As per prosecution story, on 12.12.2018 on the basis of information received from an informant, the applicants along with other co-accused person namely Anwar Khan have been searched by the investigating officer of the case and total 120 bottles of Cough Syrup each bottle containing 100 ml. have been seized from the possession of applicant Parvej and one vehicle bearing Registration Number CG 15 B 2737 has been seized from the possession of applicant Shamshad Ansari. On being examined the said bottles, it was found that about 24 grams of prohibited drug codeine phosphate available in the said bottles. The applicants have been arrested and are in custody since 12.12.2018 itself.
4. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated in the present case. They further submit that mandatory provisions of the NDPS Act have not been complied with, the applicants have no criminal antecedents, they are in custody since 12-12-2018 and trial is likely to take some time. Therefore, the applicants may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the

fact that the applicants have no criminal antecedents, they are in custody since 12-12-2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with two local solvent sureties for the like sum to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

**Sd/-
(Arvind Singh Chandel)**

Judge