

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1671 of 2019

- Sheikh Munawwar Hussain S/o Yasin Hussain Aged About 37 Years R/o Ishlam Mohalla, Village and P.S. Saraipali, District - Mahasamund Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through P.S. - Saraipali, District – Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Shri Sanjay Agrawal, Advocate.
For Respondent/State : Shri V.K. Agrawal, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/04/2019

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. 62/2019, registered at Police Station – Saraipali, District – Mahasamund, Chhattisgarh, for the offence punishable under Section 21 of NDPS Act.
2. As per the prosecution story, on 19.02.2019 on the basis of information received from informant police personnel searched the house of the Applicant and total 450 bottles of Raxquf cough syrup, each bottle containing 100 ml have been seized from his possession. On being examined, 90 gm of prohibited drug codeine has been found. On the basis of the said, offence has been registered and Applicant has been taken into custody on 19.02.2019.
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. He further submits that the quantity of the prohibited drug found is between small and commercial quantity. Charge-sheet has been filed. Applicant has no previous antecedents, he has been taken into custody on 19.02.2019 and trial is likely to 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 charge-sheet has been filed, Applicant is in custody since 19.02.2019 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