

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2534 of 2019**

- Anwar Khan S/o Babar Khan Aged About 28 Years R/o Chalgali, Police Station Shankargarh, District Balrampur Ramanujanj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajpur, District Balrampur -Ramanujanj, Chhattisgarh.

---- Respondent

For Applicant : Shri Vivek Shrivastava, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**09/05/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 254/2018, registered at Police Station - Rajpur, District – Balrampur-Ramanujanj, Chhattisgarh, for the offence punishable under Sections 21(B) of NDPS Act.
2. First bail application was dismissed for want of prosecution vide order dated 03.04.2019 passed in MCRC No. 2235/2019.
3. In this case there are three accused persons. As per the prosecution story on 12.12.2018 on the basis of information received from an informant, police personnel searched the present Applicant alongwith other co-accused persons namely Shamsad Ansari and Parvej Alam and seized total 120 bottles of cough syrup, each bottle containing 100ml, from the possession of the co-accused Parvej Alam. One vehicle bearing registration No. CG 15 B 2737 has been seized from another co-accused namely Shamsad Ansari. On being examined, 24 grams of prohibited drug codeine phosphate found in the said bottles.

On the basis of the said, offence has been registered. Present Applicant has been taken into custody on 12.12.2018.

4. 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. Other co-accused persons namely Shamsad Ansari and Parvej Alam have already been granted bail by this Court vide order dated 26.03.2019 passed in MCRC No. 1028/2019 and MCRC No. 1413/2019 respectively. Applicant has no previous antecedent, he is in custody since 12.12.2018 and trial will take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is 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 him on bail.
8. Accordingly, the bail application is allowed.
9. 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