

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3194 of 2019**

Saleem Khan, S/o Shri Siraj Khan, Aged About 19 Years, R/o Hemunagar, Police Station- Torwa, Bilaspur, District- Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station- Torwa, District- Bilaspur (C.G.)

---- Respondent

For Applicant : Mrs. Indira Tripathi, Advocate.

For State : Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

07/06/2019

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 10.04.2019 in connection with Crime No. 115/2019 registered at Police Station- Torwa, District- Bilaspur (C.G.), for the offence punishable under Section 21(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (For short "the NDPS Act").
2. As per case of the prosecution, on 04.04.2019, 230 piece bottle of Onerex-Codeine Phosphate Syrup was seized from possession of the applicant containing 40 grams of Kodin.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated and mandatory provision of the NDPS Act has not been complied with in the present case, therefore, the applicant may be enlarged on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.
5. Looking to the fact that the applicant is in jail since 10.04.2019 and further looking the fact that the trial will take sufficient time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Vacation Judge