

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3538 of 2019

1. Yasin Khan, S/o Yar Khan Aged About 42 Years R/o Belgahna, Police Station-Kota, District-Bilaspur, Chhattisgarh.
2. Jani Sar Akhtar S/o Ahmad Akhtar Aged About 35 Years R/o Rajkishore Nagar, Police-Station-Sarkanda, District-Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Civil Lines, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Srivastava, Advocate.

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.305/2019 registered at Police Station–Civil Lines, District–Bilaspur(C.G.) for the offence punishable under Sections 21 & 22 of the NDPS Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The applicants are in jail since 4.5.2019. Applicants are employee of the medical store and were on the instruction of the employer carrying the parcel for delivery which was seized by the police. A total content of prohibited drug

Buprenorphine and all the medicines that has been seized is 0.60 mg, which is much less than small quantity, as it is mentioned in the table of narcotic substance, hence, it is prayed that applicants may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that huge quantity of Rexogesic Syrup has been seized from the possession of this applicant, therefore, bail should not be granted on the basis of the calculation made.
4. Heard both the parties and perused the case diary.
5. The police personnel have made a seizure of 121 numbers of Rexogesic Cough Syrup, which has a content of Buprenorphine. According to the percentage of Buprenorphine present in each bottle of cough syrup the total content appears to be 60 mg which is less than commercial quantity.
6. The applicants are local residents of District-Bilaspur and trial is likely to take some time before its conclusion, for these reasons, I feel inclined to allow the application of these applicants.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on regular bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge