

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3794 of 2019**

1. Shiekh Nasir Ahmad S/o Shiekh Siraj Ud-Din Aged About 31 Years R/o Nayapara, P.S.- Gol Bazar, District- Raipur, Chhattisgarh.
2. Syed Kadir S/o Syed Gous, Aged About 33 Years R/o Nayapara, P.S.- Gol Bazar, District- Raipur, Chhattisgarh.
3. Mohd Sajid Khan S/o Mohd. Sabir Khan Aged About 20 Years R/o Nayapara, P.S.- Gol Bazar, District- Raipur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through P.S.- Gol Bazar, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants : Shri Devershi Thakur, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**18/06/2019**

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 119/2019, registered at Police Station – Gol Bazar, District – Raipur, Chhattisgarh, for the offence punishable under Sections 22(3) of NDPS Act and Section 34 of IPC.
2. As per the prosecution story, on 04.05.2019, on the basis of information received from an informant, police personnel searched the house of Applicant No. 01 namely Sheikh Nasir Ahmad. At that time Applicant No. 2 and Applicant No. 3 namely Syed Kadir and Mohd. Sajid Khan respectively were also found in the house. On being searched, total 168 bottles of R.C. Cough Syrup (each bottle containing 100 ml) have been seized from the possession of each of Applicant No. 1 & 2 and total 164 bottles of R.C. Cough Syrup have

been seized from the possession of Applicant No. 3. On being examined, total 10 mg of codeine have been found. On the basis of the said, offence has been registered and Applicants have been taken into custody on 04.05.2019.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that mandatory provisions of the Act has not been complied with. He also states that the quantity of the prohibited drug found is below commercial quantity. The Applicants have no previous antecedents, they are in custody since 04.05.2019 and trial will take some time. Therefore, they 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 the Applicants have no previous antecedents, they are in custody since 04.05.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. 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 one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge