

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4229 of 2019**

Abdul Khan, S/o. Mahbub Khan, Aged About 25 Years, R/o. Village- Jhariya Pali, Police Station and Tahsil- Gharghoda, District- Raigarh, Chhattisgarh.

---- Applicant***Versus***

State Of Chhattisgarh, Through : Station House Officer, Police Station- Gharghoda, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vivek Kumar Tripathi, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/08/2019**

1. This is the second 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.89/2019, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Section 21 of N.D.P.S. Act. The first bail application was dismissed as withdrawn vide order dated 14.06.2019, in M.Cr.C. No.3677/2019.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 04.05.2019. No case is made out against the applicant according to the material present in the case diary. Charge-sheet in this case has been filed after completion of investigation. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, 40 bottles of Corex Syrup were seized from the possession of the applicant, which contained Codin Phosphate. According to the schedule of N.D.P.S. Act., the total quantity of Codin Phosphate was found to be 8 grams, which is a small quantity.
6. Considered on the submissions made and the contents of the case diary. Considering the fact that charge-sheet in this case has been filed after completion of investigation and there is no further requirement of continuous detention of the applicant, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge