

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4542 of 2019**

- Ashutosh Kumar Singh S/o Sambhunath Singh, aged about 32 years, R/o village New Anandpuri, Police Station Khagaul, District Patan (C.G.), Teachers Colony Kota, Jitendra Singh House, Police Station Saraswati Nagar, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Khamtarai, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri P.K. Patel, Advocate.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08/08/2019**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 12.06.2019 in connection with Crime No.299/2019 registered at Police Station, Khamtarai, District Raipur (C.G.) for the offence punishable under Section 21(B) of Narcotic Drug and Psychotropic Substances Act, 1985 (for short 'the Act').
2. The prosecution case, in brief, is that on 11.06.2019, acting on a tip-off, the police seized 8496 intoxicating capsules of SPASMO PROXYVON from the possession of the applicant in which 50 mg TRMADOLHYDROCHLORIDE (424.80 gram) contained in each capsule. Based on this, FIR was lodged and offence was registered against the applicant under Section 21(B) of the Act.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the case. It has been also submitted that 8496 intoxicating capsules of SPASMO PROXYVON contain 50 mg TRMADOLHYDROCHLORIDE in each capsules, thus, only 424.80 gram of Trmadolphydroc Hyropchloride alleged to have been seized, which is much less than that of the commercial quantity. He also submits that he applicant is in jail since 12.06.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be granted bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Having heard learned counsel for the parties and having regard to the fact that only 424.80 gram intoxicate Trmadolphydroc Hyropchloride has been seized, the applicant is languishing in jail from 12.06.2019 and that the final disposal of the case will take some time, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-
(Rajani Dubey)
Judge