

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4757 of 2019**

- Dinesh Agrawal S/o Shyamlal Agrawal Aged About 35 Years R/o Village Lohasinga, Thana Patnagarh, Tahsil and District Balangir, Orissa.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate.
For Respondent/State	: Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/07/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 445/2018, registered at Police Station - Saraipali, District – Mahasamund, Chhattisgarh, for the offence punishable under Section 21 of NDPS Act.
2. As per the prosecution story, on 29.11.2018 on the basis of a secret information received from an informant, police personnel searched one truck bearing registration No. OD-09-F-5384 at Sirpur Check-post. On being searched total 1600 bottles of Cough Syrup have been recovered from the said truck which has been seized from the possession of co-accused Vijay Saha, and Biranchi Taral . Allegedly, at that time present Applicant alongwith co-accused person namely

Golu @ Laxminarayan Agrawal were also found sitting inside the said truck who fled away from the spot. On being asked by the police officials, co-accused Vijay Saha and Biranchi Taral disclosed the fact that said drug belongs to co-accused Suresh Ramani. Thereafter, police raided medical store of Suresh Ramani from where 5 cartoons containing cough syrup was seized from his possession. It is further alleged that co-accused Mandharam was also involved with Suresh Ramani in the said offence. On the basis of the above background, offence has been registered and Applicant has been taken into custody on 12.05.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that present Applicant was not present at the time of incident and no seizure was made from him. Co-accused namely Golu @ Laxminarayan Agrawal has already been granted bail by this Court vide order dated 10.07.2019 passed in MCRC No. 3618/2019. Applicant is in custody since 12.05.2019, charge-sheet has been filed and trial is likely to take some time. Therefore, Applicant 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 with due care.
6. Considering the facts and circumstances of the case, the evidence

collected by the prosecution and further considering the fact that Applicant is in custody since 12.05.2019, charge-sheet has been filed, and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 50,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge