

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5058 of 2019**

Prakash Vaishnav, S/o. Late Santosh Vaishnav, Aged About 28 Years, R/o. Prabhat Chowk, Chingrajpara, Police Station -Sarkanda, Tahsil and District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station -Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.L. Dembra, Advocate
For Respondent/State	: Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/09/2019**

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.644/2019, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 21, 22 of the N.D.P.S. Act.
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 14.07.2019. No case is made out against the applicant according to the material present in the case diary. Seizure of prohibited drugs were made from the open place and the applicant has been falsely implicated only for the reason that he was present nearby. 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. Police personnel of Police Station – Sarkanda made seizure of 110 numbers of Rexcore cough syrup containing the prohibited medicine Codeine Phosphate and total Codeine Phosphate is 22 grams and also containing Chlorpheniramine Maleat about 8.8 grams which is also prohibited under the schedule of N.D.P.S. Act from this applicant. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. On perusal of the seizure memo and other evidence present in the case diary, it is clear that seizure has been made from the open place, where the applicant was found along with medicine containing the contraband, however, it appears that the applicant has a defensible case, 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