

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5108 of 2019

- Ameen Khan S/o Late Younus Khan, Aged About 41 Years, R/o Imlipara, Ambikapur, P.S. Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through SHO, P.S. Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Yatharth Singh, Advocate.

For Non-applicant/State – Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 06-07-2019 in connection with Crime No.409/2019 registered at P.S. Thana Ambikapur, District Surguja, Chhattisgarh for the offence under Section 21(c) of N.D.P.S. Act, 1985.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 06-07-2019. The applicant is innocent and has been falsely implicated. The total quantity of codeine found in the seized article is 0.62 grams which is a small quantity. Therefore, it is prayed that this applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that total quantity of syrup containing codeine and chlorpheniramine was 6.2 liters, therefore, the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. Police personnel of Police Station Ambikapur, District Surguja made

seizure of 62 bottles of Choco Kuff Cough Syrup each containing 100 ml. Syrup. The content of codeine phosphate in each bottle was 10 mg., whereas, content of chlorpheniramine was 4 mg. On calculating total of the prohibited contents, it comes to be content of small quantity.

6. Considering that the applicant is in jail since about 2 months and there is no further requirement of his detention, he is local resident of Ambikapur, District Surguja, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge