

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7775 of 2018**

Sheikh Jamshed S/o Shri Sheikh Shubrati, aged about 30 years R/o Musalmanpara Barela, PS Jarhagaon, District Mungeli (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through SHO Takhatpur, Distt. Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Dheerendra Pandey, Advocate
For Respondent	:	Mr. Adil Minhaj, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

03/01/2019

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 289/2018 registered at Police Station Takhatpur, Distt. Bilaspur (C.G.) for the offence punishable under Sections 21 & 22 of the NDPS Act.
2. As per prosecution story, on 29/07/2018 on the basis of information received from the informant, the Investigating Officer of the case searched and seized total 88 ampules of Reksogesic injections, 39 pieces of Nitrazepam tablets and 59 ampules of Avil were seized from the Applicant. On being examination, it was found that total 52.8 mg prohibited drugs buprenorphine was found in the seized drugs. The Applicant was arrested on 19/07/2018.
3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present

case. Mandatory provisions of the NDPS Act has not been complied with. The quantity of prohibited drugs found in the seized drugs comes under small quantity. He further submits that the Applicant is in custody since 19/07/2018 and trial will take time, therefore, he may be released on bail.

4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the quantity of the prohibited drugs found in the seized drugs comes under small quantity,, the Applicant is in custody since 19/07/2018 and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge