

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6704 of 2019

- Avinash Dubey Alias Sonu Dubey S/o Amrendra Shankar Dubey Aged About 30 Years R/o Near Old Power House, Torwa , Police Station - Torwa, Distt. - Bilaspur Chhattisgarh....(In Jail).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Civil Lines, Distt. - Bilaspur Chhattisgarh....(Non Applicant)

---- Respondent

For Applciant	:Shri Bharat Gulabani, Advocate
For Respondent/State	: Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

15/11/2019

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 in connection with Crime No.543/2019 registered at police station Civil Lines, District Bilaspur (CG) for the offence punishable under Sections 21,22 of the Narcotics Drugs and Psychotropic Substances Act and Section 34 of IPC.

Case of the prosecution in brief is that on receiving secret information the police of police station civil lines intercepted and found the the applicant and the co-accused persons carrying injections of Rexogesic which contain 'Buprenorphine Hydrochloride'.

Counsel for the applicant submits that the applicant has been

falsely implicated in the crime and he is in jail since 17.06.2019. He further submits that the said drug is specified under the Drugs and Cosmetics Act 1940 and it does not find mention in the list of prohibited drugs contained in the Schedule of the NDPS Act. He submits that the co-accused has already been granted bail by this Court in M.Cr.C. NO. 5847/2019 and therefore the present applicant may also be given the benefit. Lastly, he submits that the applicant is in jail since 19.08.19 and offence is triable by Magistrate First Class and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge