

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6892 of 2019**

- Kanan Kaushal Gabel S/o Shri Laxman Prasad Gabel, aged about 30 years, R/o village Aadile, P.S. and Tahsil Malkharuda, District Janjgir – Champa (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through : S.H.O. of the P.S. Kharsia, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Abhishek Saraf, Advocate.
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/12/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.415/2019, registered at Police Station – Kharsia, District Raigarh (C.G.) for the offence punishable under Sections 21 of N.D.P.S. Act.
2. The prosecution story, in brief, is that on 30.09.2019 around 16.00 O'clock, acting on a tip-off, the police personnel searched the motorcycle of the applicant and seized 120 bottles of RCS KODIN FASFET COUGH SYRUP containing 200 ml Codeine in each bottle. Based on this, offence has been registered against the applicant. Applicant has been taken into custody on 30.09.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the contraband were not seized from the

exclusive possession of the applicant the same is in joint possession. He also submits that mandatory provisions of the NDPS Act has not been complied with in the present case. It is next submitted that the applicant is in custody since 30.09.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposing the bail application submits that the seized contraband is more than the commercial quantity.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, gravity of offence and further considering the fact the applicant has no previous criminal antecedent, applicant is in custody since 30.09.2019 and the 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 his executing a personal bond for a sum of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge