

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6944 of 2019**

- Srikishan Agrawal, S/o Late Laxminarayan Agrawal, aged 52 year, R/o Ward No.12, main road Sariya, P.S. Sariya, Tehsil Baramkela, District Raigarh (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through : P.S. Sariya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sanjay Agrawal, Advocate.
For Respondent	:	Shri Sameer Sharma, Dy. G.A. and Shri B.L. Sahu, P.L..

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11/11/2019**

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.132/2019, registered at Police Station – Sariya, District Raigarh (C.G.) for the offence punishable under Sections 21 and 22 (B) of N.D.P.S. Act.
2. The prosecution story, in brief, is that on 13.09.2019, acting on a tip-off, the police personnel searched the well situated in the land of Sunderlal and recovered 1400 bottles of cough syrup kept in plastic bag containing 280 grams of Codeine. Based on this, offence has been registered against the applicant. Applicant has been taken into custody on 13.09.2019.
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 commercial quantity of codeine is one 1 kg, whereas the 1400 bottles contained only 280 grams of Codeine. That apart, the seizure has been made from an open place accessible to everyone. 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 13.09.2019 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 opposes the bail application.
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, and further considering the fact the applicant is in custody since 13.09.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them 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