

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9882 of 2018**

- Narayan Das, aged about 42 years, S/o Late Shri Ram Das, R/o Village-Kevara, P.S- Lakhanpur, District- Surguja, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through Officer In Charge, Police Station Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Shri Kripesh G. Kela, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**16/01/2019**

1. The Applicant has preferred the first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 480/2018, registered at Police Station - Ambikapur, District – Surguja, Chhattisgarh, for the offence punishable under Sections 21 (C) of NDPS Act.
2. As per the prosecution story, on 20.09.2018, on the basis of information received from an informant, police personnel searched the Applicant and total 93 bottles of Cough Syrup namely Codecuss Cough Syrup (70 bottles) and Elder Qrrex Cough (23 bottles), each bottle containing 100ml have been seized from the possession of the Applicant. On being examined, 18.60 gm of prohibited drug codeine has been found. The Applicant has been taken into custody on 20.09.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

further submits that the Applicant has no criminal antecedent. The mandatory provisions of NDPS Act has not been complied with and the quantity of the seized drugs is lesser than commercial quantity. He also states that the other co-accused namely Ambika Vishwakarma has already been granted bail vide order dated 26/11/2018 passed in MCRC No. 7495 of 2018. Applicant is in custody since 20.09.2018 and trial will take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant has no criminal antecedent, quantity of the seized drugs is lesser than the commercial quantity, the Applicant is in custody since 20.09.2018 and 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 executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge