

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 228 of 2020**

- Amit Kumar Soni S/o Rampravesh Soni, aged about 30 years, R/o Chandani Chauk, Mayapur, Ambikapur, P.S. & P.O. Ambikapur, District Surguja (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through : In-charge of Police Station Ambikapur, District Surguja (C.G.).

---- Respondent

For Applicant	:	Ms. Priyanka Mehta, Advocate.
For Respondent	:	Smt. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/02/2020**

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.517/2019, registered at Police Station - Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 21 (C) of N.D.P.S. Act.
2. The prosecution story, in brief, is that the police have made seizure of 120 bottles of cough syrup containing 100 ml contraband Codeine phosphate and Chlorpheniramine in each bottle from the joint possession of the applicant and co-accused. Based on this, offence has been registered against the applicant. Applicant has been taken into custody on 31.08.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that mandatory provisions of the NDPS Act

has not been complied with in the present case. She also submits that on 12.12.2019, co-accused Ajay Gupta @ Baban Gupta has already been granted bail by this Court in MCRC No.6902/209. The applicant is in custody since 31.08.2019, charge sheet has been filed 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 opposed 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, nature of offence and further considering the fact co-accused has already been granted bail by this court, applicant is in custody since 31.08.2019, charge sheet has been filed 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