

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 656 of 2020

- Sanjay Mishra @ Guddu S/o Late Shri Jehru Lal Mishra Aged About 35 Years R/o Village - Baradoli, Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer Sariya, Tehsil And District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Shri Surfaraj Khan, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

13/03/2020

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.168/2019 registered at police station Sariya, District Raigarh (CG) for the offence punishable under Section 22 (B) of the Narcotics Drugs and Psychotropic Substances Act.

As per prosecution case, on receiving secret information, the police party intercepted and seized 218 bottles of cough syrup-RC Kuff from the possession of the applicant.

Counsel for the applicant submits that the applicant has been falsely implicated in the case and the mandatory provisions of NDPS Act have not been complied with. He submits that similarly placed co-

accused has been granted bail by this Court in M.Cr.C. No. 8280/2019 vide order dated 06.02.2020 and therefore the present applicant may also be granted the benefit. He further submits that the applicant is in jail since 10.11.2019; charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

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