

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 804 of 2020**

- Deepak Tiwari S/o Ganga Ram Tiwari, aged about 34 years, Caste Brahmin, R/o village – Nareshpur, P.S. & Tehsil – Surajpur, District Surajpur (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Outpost Basdei, Police Station Surajpur, District Surajpur (C.G.).

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/02/2020**

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.349/2019, registered at Police Station – Surajpur (C.G.) for the offence punishable under Sections 21-B of Narcotic Drugs and Psychotropic Substances Act (for short 'the Act').
2. The prosecution story, in brief, is that on 02.10.2019, acting on a tip-off, the police personnel searched the motorcycle of the applicant bearing registration No.CG-15-CZ-1242 and seized 5 strips of Rexogesic 2 ml Ampoule 40 injections, total 200 and 8 disposal syringes. Based on this, offence has been registered against the applicant. Applicant has been taken into custody on 02.10.2019.
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 quantity of seized contraband is less

than the commercial quantity. 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 02.10.2019, 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 case diary.
6. Considering the totality of the facts and circumstances of the case, quantity of seized contraband and further considering the fact the applicant is in custody since 02.10.2019, 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