

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1211 of 2020

Mohammad Sajid Tigala, S/o Shri Mohammad Yunus Tigala, Age 23 years,
R/o Asrar Gali Moudhapara, P.S. Moudhapara, Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through P.S. Moudhapara, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Pragalbha Sharma, Advocate.
For Non-applicant:	Mr. Gagan Tiwari, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/06/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.226/2019, registered at Police Station Moudhapara, Distt. Raipur for the offence punishable under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that from the possession of the applicant, 10.4 gms. of Tramadol Hydro-chloride I.P. was seized.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case, there are no criminal antecedents of the applicant and charge-sheet has been filed. The applicant has been arrested on 5-12-2019.
4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and considered the submissions.
6. It is born out from the record that by notification dated 26-4-2018, Hydro-chloride has been included in Serial No.238-ZH of the Table

specifying Small Quantity and Commercial Quantity, and 5 gms. is mentioned as small quantity, whereas commercial quantity is 250 gms..

7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, considering the fact that the Narcotic drug seized from the applicant is more than small quantity, but less than commercial quantity, and taking into consideration the pretrial detention of the applicant and other relevant circumstances, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23-3-2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu Writ Petition (C) No.1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge