

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4186 of 2020**

- Sheikh Nasir Ahmad, S/o Shiekh Sirajuddin, aged 36 years, R/o Nayapara, P.S. Gol Bazar, District Raipur (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through : Police Station Gol Bazar, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Devershi Thakur, Advocate.
For Respondent	:	Shri Dinesh Tiwari, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05/08/2020**

1. The applicant has preferred this second 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.294/2019, registered at Police Station – Gol Bazar, District Raipur (C.G.) for the offence punishable under Section 21 (a) of N.D.P.S. Act.
2. Earlier bail application of the applicant was dismissed as withdraw.
3. The prosecution story, in brief, is that on 09.12.2019, acting on a tip-off, the police personnel searched the house of the applicant and seized 184 capsules of Spas Trancan Pluse containing 9.2 grams contraband drug namely Tramadol Hydrochloride. Based on this, offence has been registered against the applicant. Applicant has been taken into custody on 09.12.2019.
4. 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 (9.2 grams) is less than the commercial quantity i.e. 250 grams. He also submits that mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. It is next submitted that the applicant is in custody since 09.12.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

5. On the other hand, learned State counsel opposed the bail application. He submits that the applicant has criminal antecedent.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, nature of offence, quantity of contraband and further considering the fact the applicant is in custody since 09.12.2019 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.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.1,00,000/- (Rs. One Lac 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, till final disposal of the trial.

Sd/-

(Rajani Dubey)
Judge