

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7327 of 2019**

- Praveen Kujur S/o Lal Sai Kujur Aged About 19 Years R/o Village Jhingo Linepara, P. S. Rajpur, District Balrampur Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Nishi Kant Sinha, Advocate
For Respondent-State	:-	Mr. Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

10/01/2020

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing his on regular bail during trial in connection with Crime No. 289/2019 registered at Police Station – Ambikapur, District Surguja (C.G.) for the offence punishable under Section 21(c) of the NDPS Act.
- The prosecution story, in brief, on 18.05.2019, on secret information, the applicant was intercepted by

the police on suspicion of possession 102 bottles of KOP FREE COUGH SYRUP of 10 ML, from the possession of the applicant. Based on this, offence has been registered. The present applicant has been taken into custody on 18.05.2019.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the contraband does not belong to the present applicant. He further submits that the seized quantity of the contraband is less than the commercial quantity. He next submits that the mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. As the applicant is in jail since 18.05.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may imposed by this Court, the present applicant may be released on bail.
- On the other hand State counsel strongly opposes the bail application.
- I have heard learned counsel for the parties and perused the entire material available on record.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that he is in jail since 18.05.2019 and as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit