

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7485 of 2019

- Ravinandan Kashyap S/o- Late Shyamji Ram Kashyap Aged About 53 Years R/o- Murum Khadan Khamtarai Police Station Sarkanda, Tehsil And District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Civil Line District Bilaspur Chhattisgarh

---- Respondent

 For Applicant : Ms. Shivali Dubey, Advocate
 For Respondent/State : Shri Akhtar Hussain, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

02.01.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.543/2019, registered at Police Station Civil Line, District Bilaspur(CG) for the offence punishable under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act and Section 34 of the IPC.
3. As per the case of prosecution, on receiving secret information the police intercepted and found the applicant and co-accused persons carrying injections of Rexogesic which contain 'Buprenorphine Hydrochloride'
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he is in jail since 19.8.2019. She further submits that the said drug is specified under the Drugs and Cosmetics Act 1940 and it does not find

mention in the list of prohibited drugs contained in the Schedule of the NDPS Act. She submits that the co-accused persons have already been enlarged on bail by this Court in MCRC No.5847/2019 and MCRC No.6704/2019, therefore, the present applicant may also be given benefit of bail. Lastly, she submits that the offence is triable by Magistrate First Class and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the detention period of the applicant and further considering that the co-accused persons have already been enlarged on bail by this Court, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE