

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7439 of 2019**

- Subrat Kumar Patnayak S/o Tejram Patnayak, aged about 31 years, R/o village Dhaurabhantha, Police Station & Tahsil Tamnar, District Raigarh (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Tamnar, District Raigarh.

---- Respondent

For Applicant	:	Shri Raghavendra Pradhan, Advocate with Ms. Pushpalata Khalko, Advocate.
For Respondent	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/01/2020**

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.230/2019, registered at Police Station – Tamnar, District Raigarh (C.G.) for the offence punishable under Sections 21 of N.D.P.S. Act.
2. The prosecution story, in brief, is that the police have made seizure of 12 bottles of cough syrup containing 100 ml contraband Codeine in each bottle. Based on this, offence has been registered against the applicant. Applicant has been taken into custody on 01.11.2019.
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 contraband has been seized by the police from an open place. 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 01.11.2019 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 record.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact the applicant has no previous criminal antecedent, applicant is in custody since 01.11.2019 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.
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