

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7940 of 2019**

Iqbal Khan, S/o Afjal Khan, aged about 35 years, R/o Vinoba Nagar, Bilaspur, Tahsil
& District : Bilaspur (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station : Sirgitty,
District : Bilaspur (C.G.)

----Non-applicant

For Applicant	:	Mr. Amit Singh, Advocate.
For Non-applicant	:	Mr. Vaibhav Kartike Agrawal, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****27/01/2020**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 410/2019 registered at Police Station Sirgitty, District : Bilaspur for the offence punishable under Sections 21(a), 22(b), 28 and 29 of the N.D.P. S. Act.

(2) According to the prosecution story, on the basis of information received from an informant, Police Personnel searched and seized 2260 pieces Nitrazepam table from the possession of co-accused Pradip Gond *whereas* 63 pieces onrex syrup and ltrazepam table were seized from the possession of the present applicant and thereby committed the aforesaid offences.

(3) Learned counsel appearing on behalf of the applicant submits that applicant has falsely been implicated in the crime in question as there is no evidence available on record

to connect the applicant with the crime in question. He further submits that huge quantity of Nitrazepam tables was seized from the co-accused Pradip Gond whereas quantity of Nitrazepam table, which was seized from the possession of present applicant, is less than the commercial quantity. He further submit that applicant is in detention since 21.11.2019, and the charge sheet is yet to be filed but substantial investigation has already been made and no useful purpose would be served in keeping him in jail further and therefore, they may be released on bail.

(4) On the other hand, learned counsel for the State, opposes the bail application.

(5) Taking into consideration the nature and the gravity of the offences and further considering the facts that applicant is in detention since 21.11.2019; and charge sheet is yet to be filed but substantial investigation has already been made and particularly the fact the quantity of Nitrazepam table, which was seized from the possession of present applicant, is less than the commercial quantity; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

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

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

