

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8386 of 2019**

- Devraj Durga S/o Shri Biraju Durga Aged About 26 Years R/o Devendra Nagar, Sector- 3, Near Rajrajeshwari Mandir, P.S. Ganj District Raipur, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station Khamtarai, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri C.R. Sahu, Advocate.
For Respondent	:	Shri Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07/02/2020**

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.555/2019, registered at Police Station - Khamtarai , District Raipur (C.G.) for the offence punishable under Sections 21 (B) of Narcotic Drugs and Psychotropic Substances Act (for short 'the Act').
2. The prosecution story, in brief, is that on 13.10.2019, acting on a tip-off, the police of police station Khamtarai seized 6 strips of Spasmo-proxyvon containing 24 capsules in each strip, and one additional strip containing 6 capsules total 150 capsules from the open place situated behind Shrinagar. Further, each capsule contain 50 ml Trmaadol Hydrochloride and as such total 7.5 gram Trmaadol has been seized from the applicant. Based on this, offence has been registered against the applicant. Applicant has been taken into custody

on 13.10.2019.

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 seizure of contraband has been made from an open place and not from the cautious possession of the applicant. He also submits that the seized quantity of contraband is less than the commercial quantity. It is next submitted that the applicant is in custody since 13.10.2019, charge sheet has been filed 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 case diary.
6. Considering the totality of the facts and circumstances of the case, quantity of seized contraband and further considering the fact the applicant is in custody since 13.10.2019, charge sheet has been filed 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, till the final disposal of the trial.

Sd/-

(Rajani Dubey)
Judge