

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1848 of 2021

- Raj Chouhan S/o Shri Ashok Chouhan, aged about 26 years, R/o Imli Duggu, Korba, Police Station, Korba, District Korba (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer, Police Station Kotwali Korba, District Korba (C.G.)

---- Respondent

For Applicant	:	Mr. Anil Tripathi, Advocate
For Respondent/State	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

25/06/2021

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 32/2021 registered at Police – Kotwali, Korba, District Korba (C.G.) for the offence punishable under Sections 22 (C) of the Narcotic Drugs and Psychotropic Substances Act.
2. It is submitted that the applicant has been falsely implicated in this case. The applicant was working as salesman in the medical shop of co-accused Alok Agrawal, therefore, he has no connection with the offence. Co-accused Alok Agrawal has already been enlarged on bail by this Court vide order dated 23/06/2021 passed in MCRC No. 1154/2021, therefore, this applicant may also be enlarged on bail.

3. Per contra, learned State counsel opposes the bail application and submits the quantity of the contraband seized from this applicant is more than small quantity, however, less than commercial quantity, therefore, he prays to reject the bail application.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, seizure of 100 bottles of Phensedyl Cough Syrup Bottles, each bottle containing 100 ML, was made from the applicant. This medicine has contents of codeine phosphate which is prohibited under NDPS Act.
6. Considered on the submissions and the fact that co-accused has already enlarged on bail and trial is likely to take some time for disposal, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge