

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1749 of 2021

- Mirza Ibrahim, S/o Mirza Liyakat, Aged About 28 Years, R/o Kasturba Nagar Thana Civil Line District Bilaspur, Chhattisgarh

---- Applicant (In Jail)

Versus

- The State of Chhattisgarh Through Police Station Civil Line, District Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Shri Samir Singh, Advocate
For Respondent/State	: Shri Rakesh Sahu, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

25.03.2021

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.51 of 2021 registered at Police Station Civil Line, District- Bilaspur CG for the offence punishable under Section 20(C) of the NDPS Act.
2. Case of the prosecution in brief is that on 09.01.2021, based on the secret information, present applicant was intercepted near the house of one Ramesh Jaiswal at Kasturba Nagar, Bilaspur and 30 bottles of Onerex syrup each containing 100 ml were seized.
3. Shri Samir Singh, learned counsel for the applicant submits that the applicant has been falsely implicated in the case and alleged seizure from the possession of applicant only comes to 3 gms of drug substance, which is less than small quantity. Applicant is in jail since 09.01.2021.
4. Shri Rakesh Sahu, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that Police on the basis of information intercepted the applicant on road and

found 30 bottles of Onerex syrup in his possession. He further submits that total quantity of schedule drug codeine comes to 3 gms. On specific query, learned counsel submits that as per the case diary, there is no criminal antecedents recorded against the present applicant.

5. I have heard learned counsel for the parties.

6. Considering the nature of allegations levelled against the applicant, quantity of schedule drug seized from the possession of applicant, there is no criminal antecedents and further, applicant is in jail since 09.01.2021, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE