

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2058 of 2021

- Ajay Kumar @ Sonu S/o Pancham Lal, aged about 32 years R/o Village Eta Bhattha, Dafai, Haldibadi, Chirmiri, P.S. Badi Bazar, Tahsil Khadgawa, District Korea (C.G.)

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate
For Respondent/State	:	Mr. Anil Tripathi, Panel Lawyer

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. 16/2021 registered at Police – Police Station Chirmiri, District Korea (C.G.) for the offence punishable under Sections 22 (B) of the Narcotic Drugs and Psychotropic Substances Act.
2. It is submitted that the applicant has been falsely implicated in this case. No offence has been committed by this applicant. He is in jail since 13/01/2021 and trial is likely to take time, therefore, the applicant may 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, the applicant is not entitled to enlarge on bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, seizure of 8 strips of Spasmo Proxyvon, 8 strips of Alprazolam tablets, 5 pieces of Avil injection each containing 10 ml and 5 pieces of Rexogesic injection each containing 2 ml, was made from the applicant. The seized medicine has contents of Codeine Phosphate which is prohibited under the NDPS Act.
6. Considering the facts and circumstances of the case, particularly the fact that the applicant is in custody since 13/01/2021 and trial is likely to take some time, I feel inclined to release the applicant on bail.
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