

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1566 of 2021**

- Ganpat Paikra @ Guddu S/o Ghuraaram Aged About 32 Years R/o Village Pakargaon, Bagichapara, Lailunga District Raigarh Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Lailunga District Raigarh Chhattisgarh

---- Respondent

MCRC No. 1822 of 2021

- Kalam Husain @ Kallu S/o Late Hafij Ual Husain, Aged About 43 Years R/o Village - Behrapara Pathalgaon Road, Lailunga, Police Station - Lailunga, District - Raigarh Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station - Lailunga, District - Raigarh Chhattisgarh.

---- Respondent

For Applicants	:	Shri Ajeet Kumar Yadav, Advocate.
For Respondent-State	:	Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant, Judge
Order on Board

29.06.2021

1. Both these cases are being disposed off by this common order as they arise out of the same crime number.
2. Heard on the applications filed under Section 439 of Cr.P.C. These are the first bail application filed for grant of regular bail. The Applicants have been arrested on 23.01.2021 in connection with Crime No. 20/2021 registered at Police Station Lailunga, District – Raigarh (C.G.) for offence punishable under Sections 21(C), 22(C) of the Narcotic Drugs & Psychotropic Substance Act.

3. It is submitted by the learned counsel for the Applicants that both the Applicants have been falsely implicated in this case. The Applicants are in jail since 23.01.2021. Charge-sheet has been filed and the trial against them is not making any progress. Therefore, it is prayed that the bail may be granted to the Applicants.
4. The learned counsel for the State opposes the application and it is submitted that the case in which the Applicants were found in possession of the commercial quantity of the Psychotropic Substance containing Codeine phosphate, therefore, they are not entitled to grant of bail.
5. I have heard the learned counsel for the parties and perused the record.
6. As per the prosecution case, total 10 bottles of cough syrup were seized, which contained codeine phosphate, from the possession of Ganpat Paikra @ Guddu. Similarly, 40 bottles of cough syrup containing codeine phosphate were recovered and seized from the possession of Kalam Hussain @ Kallu on the basis of which the offence has been registered.
7. Considered on these submissions. It appears that the trial against the Applicants have been pending and it is getting extended due to the pandemic situation, therefore, I am inclined to allow these bail applications.
8. Consequently, the application filed by the Applicants under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
9. It is directed that the Applicants shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge