

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2793 of 2021**

Pawan Tripathi, S/o. Shri Santosh Tripathi, aged about 27 years, R/o. Samund Chowk, Vijay Ward No. 2, Jagdalpur, District Bastar, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali Jagdalpur, District Bastar, Chhattisgarh

---- Respondent

For Applicant : Mr. Subhash Yadav, Advocate

For Respondent/State : Mrs. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/06/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.85/2021, registered at Police Station – Kotwali, Jagdalpur, District – Bastar (C.G.) for the offence punishable under Section 21 of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 06.03.2021 and the trial in the case is not making any progress. Therefore, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that quantity of the contraband seized is commercial quantity, therefore, the applicant is not entitled to be released on bail..
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 40 bottles of Rexmas syrup each 100 ml having content of Codeine Phosphate and Chlorpheniramine Maleate was seized from the possession of this applicant. Total volume of syrup is 4000 ml, therefore, it is a commercial quantity.
6. Considered on the submissions and the facts of the case. The applicant is in jail since about three months, charge-sheet in this case has been filed and there is all likelihood of delay in conclusion of trial, hence, for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge