

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2407 of 2021**

- Ajay Dakhwani S/o Dharam Das Dakhwani, aged about 27 years, R/o Shri Ji Kachnar Colony, Amlidih, Police Station Rajendra Nagar, Raipur, present address rented house at Shailendra Nagar, Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Kotwali, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Hemant Kesharwani, Advocate
For Respondent	:	Mr. Ghanshyam Patel, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****09/04/2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.69/2021, registered at Police Station - Kotwali, District Raipur (C.G.) for the offence punishable under Section 20(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').
2. The prosecution story, in brief, is that the police of police station Kotwali, District Raipur, acting on a tip-off, recovered 80 pieces of Onerex syrup containing 100 ML in each bottle, total 8000 ML Codeine Phosphate cough syrup from the possession of the applicant. Based on this, offence has been registered against the applicant. Present applicant has been taken into custody on 16.03.2021.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the quantity of contraband so seized is more than small quantity but less than

commercial quantity. He also submits that mandatory provisions of the NDPS Act have not been complied with in its letter and spirit. He next submits that the applicant is ready to furnish adequate security and shall abide by all the directions and conditions which may be imposed upon him by this Court.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the quantity of Onerex cough syrup, and further considering the fact that the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.1,00,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge