

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2846 of 2021

- Mohd. Gufran Siddiqui @ Sonu S/o Late Ahasan Siddiqui, aged about 40 years R/o Imlipara, Ambikapur, P.S. & Tahsil Ambikapur, Distt. Surguja (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer, Police Station Ambikapur, Distt. Surguja (C.G.)

---- Respondent

AND

MCRC No. 4194 of 2021

- Nasim Khan S/o Majid Khan, aged about 22 years R/o Sitapur Mulajimpara, P.S. Sitapur, Distt. Surguja (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer, Police Station Ambikapur, Distt. Surguja (C.G.)

---- Respondent

For Applicants	:	Mr. Soumitra Kesharwani, Advocate
For Respondent/State	:	Mr. Anil Tripathi, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

01/07/2021

Heard.

1. Since both the bail applications arise out same crime number, therefore, they are being decided by this common order.
2. These are the *first* bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the respective applicants for grant of regular bail to them as they are in custody in connection with Crime No. 143/2021 registered at Police Station Ambikapur, Distt. Sarguja (C.G.) for the offence punishable under Sections 21-B of the

Narcotic Drugs and Psychotropic Substance Act.

3. It is submitted that the applicants (in both the cases) are innocent who have been falsely implicated in this case. They have not committed any offence as it is alleged against them. The applicants are in jail since 03/02/2021, charge-sheet has been filed and trial is likely to take some time, therefore, he prays to release the applicants on bail.
4. Per contra, learned State counsel opposes the bail application and submits that the quantity of contraband seized from these applicant is commercial quantity, therefore, he prays to reject the bail applications.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, a seizure of 116 bottles of cough syrups having the contents which is prohibited under the NDPS Act, was made from the possession of the applicants in both the cases. The total volume of cough syrups amounts to commercial quantity.
7. Considered on the submissions. For the reasons that the applicants are in jail since 03/02/2021, both are residents of this State and trial is likely to take some time, I feel inclined to allow these bail applications and release the applicants on bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants (in both the cases) shall be released on bail on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge