

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5099 of 2021

- Mohammad Asim S/o Late Mohd. Safi Aged About 32 Years R/o Shiv Nagar, Mathpuraina, Police Station Tikrapara, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, District Raipur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Syed Imtiaz Ali, Advocate.

For Non-applicant/State : Mrs. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 04.12.2020, in connection with Crime No.506/2020, registered at Police Station- Tikrapara, Raipur, District- Raipur, C.G. for offence punishable under Section 21-C of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicants that this applicant has been falsely implicated in this case. The applicant is in jail since 04.12.2020. Charge-sheet has been filed. Trial against this applicant is likely to take some time and the co-accused person has been granted bail, therefore, it is prayed that this applicant may also be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that huge quantity of psychotropic substance has been recovered from this applicant and the quantity is commercial quantity. Therefore, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, 92 bottles of 100 ml of Onerex cough syrup having contents of codeine phosphate were seized. Hence, this case.
6. Considered on the submissions. Although the volume seized cough syrup is 9.2 ml but the notification of the small quantity and commercial quantity mentions only the weight in grams. The notification also does not specify any formula to convert volume into weight and looking to the reason that this applicant does not have any criminal antecedent and there is likelihood of delay in trial, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge