

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6004 of 2021**

- Jafar Ali, S/o Shri Mushtak, Aged About 25 Years R/o RDA Colony, Boriya Khurd, Police Station Tikrapara District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Telibandha, District Raipur Chhattisgarh.

---- Respondent

For Applicant :- Mr. Pragalbha Sharma, Advocate
For Respondent-State :- Mr. Arjit Tiwari, PL

Proceedings through Video Conferencing

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Order On Board

02/09/2021

1. Heard.
2. This is a **second** application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.371/2020, registered at Police Station Telibandha, District Raipur for the offence punishable under Section 21 (b) of the NDPS Act.
3. Present applicant and co-accused Pradeep Chimnani were found in joint illicit possession of 69 bottles of Rc cough syrup containing codeine psychotropic substance.

4. Learned State counsel would oppose the prayer for grant of bail. He would refer to Section 37 of the NDPS Act and the law laid down by the Hon'ble Supreme Court in the matter of **Hira Singh & Anr. vs Union of India & Anr.** [CRA No.722/2017] [2020 SCC online SC 382].
5. True it is that the petitioner was found to be in possession of commercial quantity of cough syrup containing psychotropic substance, however, the applicant is in jail since 12.10.2020 i.e., for about 11 months and the trial may take sometime as also the concerned SHO has not reported any previous criminal antecedent of the applicant, therefore, considering all relevant aspects of the matter, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

Sd/-
(**Prashant Kumar Mishra**)
Acting Chief Justice

Ayushi