

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6734 of 2021**

- Navin Nayak, S/o Vinod Nayak, Aged About 32 Years, R/o Below Of Kalibadi Dhalan, Nehrunagar, P.S. Kotwali Raipur, District – Raipur (C.G.)

---- Applicant (In jail)**Versus**

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

---- Respondent

For Applicant : Shri SP Sahu, Advocate

For Respondent/State : Shri Raghavendra Verma, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

26.11.2021

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No. 156 of 2021 registered at Police Station City Kotwali, District- Raipur, Chhattisgarh for the offence punishable under Section 21C of NDPS Act.
2. Case of the prosecution is that on 03.08.2021, Police received secret information that one person standing near Nehru Nagar Dhal, Kalibadi chowk, Raipur is in possession of intoxicated syrup in a bag for sale. Based on the secret information, Police reached on the spot and intercepted the applicant. During the search, 74 bottles of CUREX cough syrup (Cholorpheniramine maleate codeine phosphate) was seized from his possession. Applicant was arrested.
3. Shri SP Sahu, learned counsel for the applicant would submit that alleged seizure of cough syrup has been made from open place. Applicant is not involved in the crime in any manner, or he possessed the alleged cough syrup with him. There is no criminal antecedents against applicant and he is in jail

since 03.08.2021. Applicant is resident of Raipur city and there is no likelihood of his absconding, hence he may be released on regular bail.

4. Shri Raghavendra Verma, learned counsel for the State opposing the submission made by learned counsel for the applicant submits that looking to psychotropic drug recovered from the possession of applicant ie 7.400 ltrs, he is not entitled for bail. However, upon putting specific query with regard to criminal antecedents, if any, against applicant, after going through the case diary, he submits that there is no mention of any criminal antecedents against applicant in the case diary.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations against applicant, facts and circumstances of the case, place of seizure of alleged psychotropic drug, applicant is in jail since 03.08.2021, and there is no criminal antecedents against applicant as stated by learned state counsel, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.

- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma