

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7312 of 2020**

- Imran Khan S/o Shahjaha Khan Aged About 28 Years R/o Sanjay Nagar, R. D. A. Plot, Tehsil And District Raipur Chhattisgarh

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri Ajay Chandra, Advocate
For State	:	Smt. Fouzia Mirza, Addl. Adv. Gen.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/01/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.356/2020 registered at Police Station – Telibandha, District – Raipur (C.G.) for alleged commission of offences under Section 21 (B) of NDPS Act.
2. Prosecution case is that the applicant and co-accused – Sanjay Benwa were found carrying 72 capsules, each of SPAS-TRANCAN PLUS, which according to the prosecution, weighed at 27.72 grams, which is more than small quantity but less than the commercial quantity.
3. Learned counsel for the applicant submits that the applicant is in jail since last more than four months. It is submitted that investigation is complete, charge sheet has also been filed, therefore, looking to the quantity which is less than commercial quantity and as co-accused, similarly situated, has been granted bail, present applicant may also be granted bail.
4. On the other hand, learned State counsel submits that looking to the *prima facie* material against the applicant that the seizure effected from him and the co-accused, the

application is opposed.

5. Taking into consideration the submission of learned counsel for the parties, particularly that the applicant is in jail since last four months, charge sheet has already been filed and also taking into consideration the quantity of psychotropic substance which is less than commercial quantity and that the co-accused, Sanjay Benwa, similarly situated has been granted bail, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

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

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge