

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8652 of 2020**

- Ajaj Hussain, S/o Anwar Hussain, Aged About 28 Years, R/o Kelabadi, Near Sahu Sadar, Ward No. 40, Durg, Tahsil & District Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Outpost Padmanabhhpur, Police Station- Durg, District- Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. T.K. Jha, Adv.
For Respondent/State	: Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26.03.2021**

1. The accused/applicant has moved this **first bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 750/2020 registered at Police Station- Outpost Padmanabhhpur, Police Station- Durg, District- Durg (C.G.) for the offence punishable under Section 22/8 of the N.D.P.S. Act.
2. The prosecution story, in brief is that, on 29.10.2020, the police personnel seized 136 pieces of Tuscorex Plus Cough Syrup 100 ml and cash amounting to Rs. 2050/- from the possession of applicant. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the contraband articles have been seized from open place not from the possession of the applicant and charge-sheet has been filed. He next added that

the applicant has no previous criminal record and he is in jail since 30.10.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the records.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that applicant has no previous criminal record and he is in jail since 30.10.2020, charge-sheet has already been filed and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi