

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 423 of 2021**

- Noor Mohammad @ Noor Hassan Kadri, S/o Gulab Ali, Caste Muslim, aged about 28 years, R/o Taragarh Iailunga, Raigarh (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Ambikapur, District Surguja (C.G.)

---- Respondent

For Applicant	:	Ms. Soumya Sharma, Advocate.
For Respondent	:	Ms. Anjali Singh Chouhan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/04/2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.745/2020, registered at Police Station - Kotwali, Ambikapur, District Surguja (C.G.) for the offence punishable under Section 21 (C) of Narcotic Drugs and Psychotropic Substances Act.
2. The prosecution story, in brief, is that the police of police station - Ambikapur, acting on a tip-off, made seizure of 17 pieces of CODECTUSS cough syrup 100 ml containing Triprolidine Hydro Chloride and codein phosphate & 63 Avil Pheniramine Maleate Injection from the possession of the applicant. Based on this, offence has been registered against the applicant. Applicant has been taken into custody on 08.11.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that the prosecution has not adduced evidence to show that the vehicle from which the contraband

has been seized belongs to the applicant. She also submits that the mandatory provisions of the NDPS Act has not been complied with in its letter and spirit in the present case. The applicant is in custody since 08.11.2020 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposed the bail applications.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the detention period of the applicant, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge