

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9216 of 2020**

- Shahrukh Beg S/o Afsar Beg Aged About 25 Years R/o Near Mazjid, Santoshi Nagar, Distt. Raipur (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Azad Chowk, District Raipur (Chhattisgarh).

---- Respondent**And****MCRC No. 474 of 2021**

- Abhishek Singh Thakur S/o Lakhan Singh Thakur Aged About 22 Years R/o Raipura, Behind Om Hospital D.D.Nagar, Raipur, District Raipur (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Azad Chowk, Raipur, District Raipur Chhattisgarh.

---- Respondent**And****MCRC No. 9421 of 2020**

- Sajjad Hussain S/o Zarif Hussain Aged About 31 Years Resident Of Sanjay Nagar, R.D.A. Plot, Tikrapara, Raipur (C.G.), District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Azad Chowk, Raipur., District

---- Respondent**And****MCRC No. 9434 of 2020**

- Shahbaj Khan S/o Mohd. Ali Khan Aged About 29 Years R/o Sanjay Nagar Gausiya Chowk Police Station Tikrapara Raipur Present Address- Chaursiya Colony In The House Of Soyeb Near Masjid Tikrapara Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Azad Chowk District Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pragalbha Sharma, Advocate in MCRC No.9216/2020, Mr. Manoj Chouhan, Advocate in MCRC No.474/2021, Mr. Ankur Agrawal, Advocate in MCRC No.9421/2020 and Mr. Pravin Kumar Tulsyan, Advocate in MCRC No.9434/2020.
For Respondent	:	Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

06/04/2021

MCRC No.474/2021 is admitted for hearing.

1. Since the aforesaid bail applications arise out of the same crime number, they are being heard and disposed of together by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.266/2020, registered at Police Station - Azad Chowk, District Raipur (C.G.) for the offence punishable under Section 21 (C) of Narcotic Drugs and Psychotropic Substances Act.
3. The prosecution story, in brief, is that the police have made seizure of 409 bottles (total 40.9 liters) of cough syrup Qrex and Onerex from the joint possession of the applicants. Based on this, offence has been registered against the applicants. Applicant in MCRC No.9421/2020 has been taken into custody on 29.11.2020 and rest of the applicants have been taken into custody on 30.11.2020.
4. Learned counsel for the applicants jointly submits that the applicants are innocent and have been falsely implicated in the case. They further submit that the mandatory provisions of the NDPS Act has not been complied with in the present case. The applicant in MCRC No.9421/2020 is in custody since 29.11.2020 and applicants in MCRC Nos.9216/2020, 474/2021 and 9434/2020 are in custody since 30.11.2020

and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.

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

Sd/-

(Rajani Dubey)
Judge