

(2018) 07 CHH CK 0135

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 3346 Of 2018

Ajay Shahani

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: July 2, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 21, 22

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: K.P.S. Gandhi, Ashish Surana

Final Decision: Allowed

Judgement

Sanjay K. Agrawal, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.108/2018, registered at Police Station-Sakri, District Bilaspur (CG), for the offence punishable under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substance Act, 1985.

2. Case of the prosecution, in brief, is that applicant was found in possession of 50.04mg of Buprenorphine and thereby committed the offence under the aforesaid sections.

3. Learned counsel for the applicant would submit that the applicant has falsely been implicated in crime in question. He would further submit that the said quantity is less than the small quantity of Buprenorphine which is said to be 1gm. He would also submit that the applicant is in jail since

13.04.2018 and charge-sheet has already been filed, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the

present applicant; and the quantity is said to have been less than the small quantity of Buprenorphine was found in his possession and the fact that he

is in custody since 13.04.2018, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to

the satisfaction of the concerned trial Court, for his appearance as and when directed.