

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1316 of 2022

- Santosh Kumar Tripathi S/o Soorybhan Tripathi Aged About 26 Years
Caste Brahmin, R/o Surajpur, Badkapara, Police Station - Surajpur,
District - Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station - Patna, District -
Korea (Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Mr. Aditya Chopra, Advocate
For Respondent/State	:	Mr. Gagan Tiwari, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/04/2022

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 429/2021 registered at Police Station Patna, District-Korea (C.G.) for the offence punishable under Section 22(C) of N.D.P.S. Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. Charge-sheet is yet to be filed and trial is likely to take some time, hence, prayer is made to release the applicant on bail.
3. Per contra, learned State counsel opposes the bail application. It is

submitted that the quantity of Buprenorphine seized from the applicant is commercial quantity, therefore, he is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, 12 numbers of Buprenorphine injections each of 2 ml. and 12 numbers of Avil injection each of 10ml. were seized from the possession of this applicant. Hence, this case.
6. Considered on the submissions. The quantity of Buprenorphine seized was the exceeds slightly and is in the range of commercial quantity, however, for the reason that this applicant does not have any criminal antecedent and that there is likelihood of delay in filing of charge-sheet and also in the trial and also that the applicant is a local resident of District-Surajpur, for these reasons, I feel inclined to allow this bail application and release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge