

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1253 of 2022**

Jaswant Patel S/o Late Shankar Prasad Patel, Aged About 26 Years R/o Village Tendua, Gautiyapara, Police Station Patna, District Korea Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Patna, District Korea, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sangeet Kumar Kushwaha, Advocate.
For the Respondent/State	:	Shri Ashish Gupta, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.04.2022**

Heard.

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.335 of 2021, registered at police station Patna, District – Korea, Chhattisgarh for the offence punishable under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that the applicant is in jail since 18.10.2021 and has been falsely implicated in this case. The charge-sheet has been filed and the trial of the case is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the

quantity of Buprenorphine injections seized from the applicant is commercial quantity. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, 14 injections of Buprenorphine each containing 2 ml and 14 injections of Avil each containing 10 ml were seized from the possession of this applicant. Buprenorphine is a prohibited drug under the schedule of NDPS Act.

6. Considered on the submissions. The quantity of Buprenorphine is slightly exceeding and is in the category of the commercial quantity and further, this applicant does not have any criminal antecedents and the trial against the applicant is likely to take some time for its final disposal, therefore, I feel inclined to grant regular bail to the applicant.

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

8. It is directed that 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge