

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6426 of 2015

Dharmendra Sahani, S/o. Chhotelal, Aged About 30 Years, R/o. Near Jatiya Talab Jarhabhata, P.S. Civil Line Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : the Police Station- Civil Line, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.367/2015 registered at Police Station- Civil Line, District Bilaspur (C.G.) for the offence punishable under Section 20(B) of Narcotic Drgus & Psychotropic Substances Act.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused were transporting 750 ample of Rexogesic Injection containing Buprenorfin 1500 ml and Nitraclam tablet containing 375 pieces and was trying to sale the same thereafter they were apprehended.
3. Learned counsel for the applicant submits that all the goods so seized come within the definition of small quantity and the maximum punishment is provided for six months, therefore, taking into the detention of this applicant, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case, prima facie, it appears that the applicant was in possession of the contraband medicines and thereby he committed the offence. Taking into fact that it is not a case that the medicines were kept for consumption of the applicant himself and meaning thereby it was required to be sold to the public at large so as to addict them and considering the nature of offence, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge