

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4360 of 2016

- Jiya Sen Gupta W/o Rakesh Gupta Aged About 22 Years R/o Village Katinda Chowk, P.S. Lakhanpur, Distt. Sarguja Chhattisgarh ---
Petitioner

Versus

- State of Chhattisgarh through P.S. Ambikapur, District Sarguja Chhattisgarh ---
Respondent

For the applicant	:	Mr. Pragalbha Sharma, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 298 of 2016 registered at P.S. Ambikapur, Distt. Sarguja (C.G) for the offence punishable under Section 279 of the IPC and Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 & Section 3-5 of the Prevention of Damage to Public Property Act, 1984.
2. As per the prosecution case, on 09.05.2016 the applicant was driving a car in high speed which met with an accident. When the car was searched it was found that 400 bottles of cough syrup which contain contraband drug i.e., codeine were being transported in the said car.
3. Learned counsel for the applicant submits that the husband of the applicant runs a medical shop, he is an authorised licensee and the bottles were carried as per the valid bill issued by Tirupati Pharma. It is further submitted that the total quantity of codeine which contained in seized cough

syrup bottles comes under the small quantity as specified at Serial No.28 of the Table appended to the NDPS Act, 1985 and the applicant is in jail since 09.05.2016, therefore, she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. It is submitted by the State that codeine is listed in Serial No.28 of the Table appended to the NDPS Act and as per the report of Drug Inspector the total quantity of codeine which contained in the cough syrup comes 8 grams after the calculation.
5. Perused the case diary documents as also the pharmacist license which is placed on record. Considering the fact that the total quantity of codeine contained in all seized bottles of cough syrup is 8 grams which appears to be a small quantity as specified in Table of the NDPS Act and further looking to the detention of the applicant as she is stated to be in jail since 09.05.2016, I am inclined to release her on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. She will also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE