

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7783 of 2015

Smt. Durgeshwari, W/o. Surendra Narayan Mishra, Aged about 35 years, R/o. Village Parasdiha Chowki Wardrafnagar, Police Station Basantpur, District Balrampur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Basantpur, District Balrampur, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Ashok Kumar Shukla, Advocate
For Respondent/ State	:-	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/01/2016

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. 122/2015 registered at Police Station- Basantpur, District – Balrampur (C.G.) for the offence punishable under Sections 20(B) of NDPS Act and section 18 & 27 Drugs and Cosmetic Act.
2. Case of the prosecution, in brief, is that on 19.11.2015 a raid was being conducted in the house of the applicant and seized some illicit contraband of cannabis of 1100 grams, Rinfox Cough Syrup of 17 bottles, Biorex Syrup of 10 bottles, Korex Cough Syrup of 28 bottles, L. Prasep Tablets 24 strips and Goulprex Tablets 6 strips. Thereafter, the prosecution had registered a case against the present applicant for the offence punishable under Sections 20(B) of NDPS Act and section 18 & 27 Drugs and Cosmetic Act.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the seizure of contraband of cannabis of 1100 grams which is less than the commercial quantity. He further submits that as per the Drugs and Cosmetic Act, 1940, even the allegation are admitted it would be covered under section 18 C of the Act, the license is required for the purpose of sale, distribution or stock and if the applicant was not having license then it is contravention of section 27 b(ii) which is punishable with maximum punishment of three years. He further submits that according to the appendix of Cr.P.C. it would be bailable offence. He further submits that the applicant is in jail since 19.11.2015, therefore, she may be enlarged on bail.
4. State counsel opposes the prayer for grant of bail.
5. Perused the case diary. Perusal of the case diary and after going through the Act 1940, prima facie, it is reflected that the quantity of contraband of cannabis of 1100 grams and the medicine seized from the possession of the applicant; taking into account the fact that the charge-sheet has been filed in this case; and further the fact that the applicant is in jail since 19.11.2015, I am of the opinion that it is a fit case where the applicant can be released on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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.

8. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

Judge

Santosh