

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2336 of 2017**

- Tomeshwar Prajapati, S/o Jagmohan, Aged About 19 Years, R/o New Mines Colony, Bhatgaon, Police Station Bhatgaon, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Respondent**AND****MCRC No. 4421 of 2017**

- Aman Dubey, S/o Vinod Dubey, Aged About 20 Years, R/o New Mines Colony Bhatgaon, Police Station Bhatgaon, District Surajpur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant in MCRC No.2336/17	: Shri Jitendra Shrivastava, Advocate.
For Applicant in MCRC No.4421/17	: Shri Abhishek Pandey, Advocate.
For Non-applicant/State	: Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.09.2017**

As both the cases arise out of the same crime number and

incident, both are being disposed of by a common order. Hence both the being disposed of by the common order.

Heard the matter finally.

2. Learned counsel for both the applicants would submit that both the applicants were arrested on 31/01/2017 in connection with the Crime No.46/2017, registered in Police Station Surajpur, Distt. Surajpur (C.G.) for the offence punishable under Section 21b of the Narcotics Drugs and Psychotropic Substances Act, 1985 (In brevity NDPS Act, 1985).

3. Learned counsel for the applicants would submits that after investigation police had filed charge-sheet which is presently pending before the Special Judge (under the Narcotics Drugs and Psychotropic Substances Act 1985) Surajpur, (C.G.) as Special Criminal Case (NDPS) No.06/17, both the applicants are the first offenders, they are aged about 19 years and 20 years respectively. They are in custody since long and they will not commit any offence in future. Initially, the matter has been registered under the Section 21 of the Drugs and Cosmetics Act 1940, thereafter the charge-sheet has been filed under Section 21b of the Narcotics Drugs and Psychotropic Substances Act, 1985. The co-accused Naushad Ahmad had not preferred any petition to enlarged him on bail and another co-accused Shubham Kashyap is a juvenile, hence the supplementary charge-sheet has been filed before the Juvenile Justice Board (JJB), Surajpur, (C.G.). Learned counsel for both the applicants would submit that the quantity so seized from the applicants is small. Also there is no criminal antecedent of the applicants and looking to the long detention and the age of the

applicants, they may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicants.

5. Perused the entire matter.

6. In the light of table is under sub-clause vii (a) and xxiii (a) of the Section 2 of the Act note 4 of the said act. Also on perusal of the seizure memo and entire facts, the submission of the applicants are not correct that the matter does not comes under the ambit Section 21b Narcotics Drugs and Psychotropic Substances Act, 1985. Looking to the entire seizure under the concerned Narcotics Drugs and Psychotropic Substances Act 1985 the quantity so seized is greater than small quantity, I am not inclined to grant the bail to the applicants.

7. Consequently, both the instant MCRCs is hereby dismissed.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**