

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4382 of 2017

- Prem Singh, S/o Dilip Singh, Aged About 48 Years, R/o. Aditya Nagar Chowk, Karan Medical Store, M.I.G. - 1075, P.S. Mohan Nagar, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, through Police Station - Mohan Nagar, Durg, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Jitendra Gupta, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-10-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant. The applicant held arrested on 25-04-2017 in connection with Crime No.191/2017 registered at P.S. Mohan Nagar, District Durg, C.G. for the offence under Section 8, 22(B), 22(a) and Section 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act').

2. It is submitted on behalf of the applicant that the applicant is a licensed pharmacist and is proprietor of M/s Karan Medicine Traders and General Stores situated in Durg. On 25-04-2017 tablets of three medicines were seized, out of which only one tablet Alprazolam contained in 61 boxes totaling 9150 tablets is in scheduled list of Narcotic substances under the NDPS Act. As per the report of the Drug Inspector, the total quantity of the tablet seized was 22.875 grams which is though more than small quantity, but less than commercial quantity. Charge sheet has been filed in the case and the trial is proceeding, but yet not completed. The applicant is in jail since 25-04-2017. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect. It is submitted that the licence of the applicant was suspended on 19-04-2017 because of earlier irregularities committed by him, it was during this period that he was found in the possession of said narcotic substance, hence, for these reasons he is not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the case diary.
5. After due consideration, I am of the opinion that this is a fit case for grant of bail to the applicant.
6. Consequently, the application (MCRC No.4382/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge