

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4860 of 2017**

Bhavesh Jain S/o Late Lalit Jain, Aged About 19 Years R/o Pacharipara, Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station City Kotwali, Durg, District Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri N. Naha Roy, Advocate.
For the Respondent/State	:	Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.336 of 2016, registered at Police Station – City Kotwali, District – Durg, Chhattisgarh for the offence punishable under Sections 8 and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.05.2017 and the applicant has been falsely implicated in this case. The medicines that were searched and seized from Hemant Medical Stores is run by a partnership firm and the applicant is one of the partners but no case has been registered against the partners. The said medical store has license and the license on the date of incident was valid to keep the

medicines in stock for sale which has been seized by the police in this case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the so-called medicines seized are in fact narcotic drugs which was found in the possession of the applicant in his shop. Hence, looking to the gravity of the offence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. On 24.5.2017, City Kotwali, Durg raided the establishment styled as Hemant Medical Stores. The prohibited tablets Spasmo Proxyvon and Alprazolam were found in huge quantity, which were seized and thereafter the case was registered against the applicant on the basis that he has no authorization under any license to keep those medicines in his possession in stock.

6. Considering the submissions made and the contents of the case diary and the fact that the applicant is in jail since 24.05.2017, although the name of Tablet Alprazolam is mentioned in the notification specifying small quantity and Tab. Alprazolam has been found in less than commercial quantity and further the name of tablet Spasmo Proxyvon is not mentioned in the list under this notification, as well as taking into consideration these facts and the fact that the trial of the case is likely to take some time and the applicant is a local resident of District Durg whose presence before the trial Court can

be ensured by imposing conditions, hence, for these reasons, the applicant is entitled for grant of bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge