

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5898 of 2017

Sitendra Patel, S/o Vijay Kumar Patel, aged about 25 years, Caste – Patel, R/o Village – Nawapara Kala, P.S. & Tehsil - Sakti, District – Janjgir - Champa Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station – Sakti, District – Janjgir -Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Govind Dewangan, Advocate

For Respondent : Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

23/11/2017

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. 173/2017 registered at Police Station - Sakti, District – Janjgir -Champa, Chhattisgarh for the offence punishable under Section 21-B of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').
2. The case for the prosecution is that 132 bottles of RC Cough syrup having Psychotropic substance was seized and one bottle was having 100 m.l. of syrup and the same is higher than small quantity but lesser than commercial quantity. Learned Counsel for the applicant submits that he has been falsely roped with the charges because further criminal cases are pending against him and seizure is made from open place for which he is not liable.

3. On the other hand Learned Counsel for the State opposes the bail application and submits that seizure is made according to law and there is no prima facie case against the applicant.
4. Looking to the evidence collected against the applicant and further looking to the forensic report which is positive, it is not a fit case to release the applicant on bail at this juncture.
5. Accordingly, the bail application filed under Section 439 of Cr.P.C. is hereby rejected.

Sd/-
(Ram Prasanna Sharma)
Judge

Yasmin