

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2209 of 2018

- Sunil Kumar Agrawal S/o Late Shri Maman Chand Agrawal Aged About 42 Years R/o- Supra, P.S.- Pussore, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. Pussore, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Kishore Bhaduri, Shri Pawan Kesarvanai, Shri Amit Sharma, Advocates.
For Applicant/State	:	Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25.04.2018

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 for grant of regular bail. The applicant has been arrested in connection with Crime No. 38/2018 registered at P.S. - Pussore, District- Raigarh, (C.G.), for the offence under Section 21 of the Narcotic Drugs & Psychotropic Substances Act 1985.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The case has been registered against this applicant in sheer misuse of power by the police. The applicant is a registered pharmacist and he has a license to purchase and keep in possession and sold out the medicines from his medical store. The alleged narcotics substance, which has been seized are medicines and are normally prescribed by the doctor for treatment of patients. This

applicant cannot be held responsible for any misuse of the medicines, which are sold out on prescription. The applicant is in jail since, 04.03.2018 and ready to abide by all the conditions which may be imposed while granting bail, hence, it is prayed that he may be released on bail.

3. Learned counsel for the State opposes the bail application and the submits that on the date of incident raid was conducted by the police personnel of PS - Pussore, District- Raigarh and found medicines containing narcotics substance in the said medical store. This applicant had been unable to produce any documents of authorization to keep in possession the medicines containing narcotics substances, hence, no case is made out for grant of bail.
4. Heard learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on 04.03.2018 the police personnel of PS - Pussore, District- Raigarh raided the medical shop of this applicant and made the seizure of APS cough syrup 11 bottles, toxus syrup – 07 bottles, R. cough syrup – 5 bottles, in which some contents are narcotics substance, according to scheduled of the NDPS Act. Hence, this case.
6. On due consideration, the material present in the case diary, it appears that the applicant is licensed medical shop owner, which prima facie shows that authorization keep in his possession the medicines. The medicines seized from the said shop appeared to have been legally purchased by him from the manufacturer, hence, it is a question to be examined by the trial Court, whether, storing of such medicines for sale in the said medical shop amounts to offence committed under NDPS, Act. After examining the material present in the case diary, I am of the view that this is a fit case where the applicant should be released on

bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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 Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge