

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3595 of 2018**

1. Naresh Yadav S/o Shri Chhura Yadav Aged About 25 Years R/o- Ward No. 05, Jaijaipur, District- Janjgir-Champa, Chhattisgarh.
2. Parmeshwar Yadav S/o Shri Chhura Yadav Aged About 22 Years R/o- Ward No. 05, Jaijaipur, District- Janjgir-Champa, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through- P.S. Jaijaipur, District- Janjgir-Champa, Chhattisgarh.

---- Non-applicant**M.Cr.C. No. 3604 of 2018**

Surendra Yadav S/o Shri Chahuraram Yadav Aged About 31 Years R/o- Ward No. 05 Jaijaipur, District- Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of C.G. Through- P.S. Jaijaipur, District- Janjgir-Champa, Chhattisgarh.

---- Non-applicant

For Applicants:	Shri Ashutosh Trivedi, Advocate.
For State/Non-applicant:	Shri V. B. Singh, PL.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

02.07.2018

1. The applicants in the aforementioned two cases have filed these bail applications under Section 439 of Code of Civil Procedure for grant of regular bail as they have been arrested on 23.02.2018 in connection with crime No. 53/2018 registered in Police Station Jaijaipur, District-Janjgir-Champa for the offence punishable under Section 21 Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'the Act, 1985').
2. Case of the prosecution is that on 23.02.2018, upon a secret information was received by the concerned Station House Officer that there has been illegal possession of banned medicines in the medical store, namely, Vidya Medical

Store, Jaipur, the police conducted raid on the said medical shop and seized the contraband article known as Codin Ultorexity Syrup totaling to 853 bottles and each bottle had 100 ml quantity. The said quantity of medicines was seized from the applicants in presence of the witnesses and accordingly the applicants have been arrested in connection with the said crime.

3. It is submitted by Shri Ashutosh Trivedi, learned counsel for the applicants that the applicants are not at all connected with the said shop even then they have been arrested while impleading them falsely in the said crime. It is submitted further that without following the procedure prescribed in the Act, 1985, the concerned Station House Officer has arrested them. It is submitted further that during the course of trial, witnesses to the seizure memo have been turned hostile, and therefore, under such circumstances, the applicants are entitled to be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that prima facie the banned articles were recovered from the said shop belonging to the applicants and other witnesses are yet to be examined and submits further that since the offence is a serious one punishable under the Act, 1985, the applicants are not entitled to be enlarged on bail.

5. Having considered the facts and circumstances of the case and by considering the fact that huge quantity of banned contrabanded article, which is more than commercial quantity, has been recovered from the applicants, I am not inclined to enlarge the applicants on bail. Accordingly, the bail application is rejected.

6. A copy of this order be kept on record of MCRC No. 3604/2018.

Sd/-

(Sanjay Agrawal)
JUDGE

Nikita