

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 199 of 2019

- Gyanchand Kesharwani S/o Gopal Kesharwani Aged About 42 Years R/o Pashu Aahar Kendra Bajrang Ward Bhatapara, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Drug Inspector, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sudhir Agrawal, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

26-02-2019

1. Apprehending arrest in connection with Criminal Case No.1471/2018, pending before the Chief Judicial Magistrate Baloudabazar, C.G. for offence punishable under Section 27B, 28B, 28 and 27D of Drugs and Cosmetics Act, 1940, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No seizure of the prohibited drug Oxitocin had been made from the possession of this applicant, which he intends to prove in the trial against him. The applicant is a licensed cattle feed dealer and only the same was in his stock, even then the false case has been made. The complaint has been filed in the Court and the applicant has received process, because of which, he has apprehension that he may be arrested in non-bailable offence. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant was found in possession of huge quantity of prohibited drug Oxitocin, in contravention to the State notification. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, use and storage of Oxitocin is banned by the State notification. On raid made on 25-01-2017 by Drug Inspector, huge quantity of Oxitocin respules were found in possession and in premises of this applicant, regarding which inventory and seizure was made.

6. Considered on the material present in the case diary. As the case is now before the trial Court and there is no requirement of custodial interrogation of this applicant and the rest of the offences registered against the applicant are bailable, therefore, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge