

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 276 of 2019

- Suraj Shah S/o Krishna Shah, Aged About 25 Years, R/o M/s Krishna Medical Stores, Santoshi Nagar, Police Station Tikrapara Raipur, Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tikrapara Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Vijay Laxmi Sarwa, Advocate.

For Non-applicant/State – Mr. Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-03-2019

1. Apprehending arrest in connection with Crime No.17/2019, registered at Police Station – Tikrapara Raipur, District Raipur, Chhattisgarh for offence punishable under Section 21(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the N.D.P.S. Act'), 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 case is made out against this applicant. The applicant is a medical shop owner which is styled as M/s. Krishna Medical Stores, therefore, he has authorization to store and make sale of the medicines. The seized RC Cough syrup is a medicine which is usually prescribed by the physicians, because of which he has procured and stored it in the shop regarding which no specific permission from Narcotics Department is required. The seizure was made from the shop of this applicant and after the seizure was made the applicant was arrested for offence under Section 27 of the N.D.P.S. Act and he was released on bail. But, later on, at the stage of filing of charge sheet offence under Section 21(1) of the N.D.P.S. Act was added,

because of which, the applicant has apprehension of being arrested. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that in contents of the RC Cough syrup there is one ingredient of codeine which is prohibited under the N.D.P.S. Act. Therefore, the application may be rejected.

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

5. On the date of incident 5 bottles of RC Cough syrup were found in possession of this applicant which was seized accordingly for the reason that the content of this cough syrup was prohibited under the N.D.P.S. Act and as alleged the applicant could not produce any papers authorizing him to keep the same.

6. After due consideration on the material present in the case diary and looking to the development that has taken place in the investigation, 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

Aadil