

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1093 of 2019**

- Prem Shankar Chauhan S/o Tula Ram Chauhan Aged About 31 Years R/o Village Auraimuda, P.S. And Tahsil- Gharghoda, Distict- Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Civty Kotwali, Raigarh, District- Raigarh, Chhattisgarh

---- Non Applicant

MCRC No. 1112 of 2019

- Taslim Khan S/o Sameer Khan Aged About 22 Years R/o Gharghoda, District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Raigarh, District Raigarh, Chhattisgarh

---- Non Applicant

MCRC No. 2212 of 2019

- Vikash Agrawal S/o Shri Moti Lal Agrawal Aged About 35 Years R/o Village Ghadghoda Lailunga Road, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, District Raigarh Chhattisgarh

---- Non Applicant

For the Applicants	:	Mr. Rishi Sahu, Mr. Ashish Gupta, Mr. Pawan Kesharwani, Advocates
For Non Applicant	:	Mr. SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17.05.2019**

1. the Investigating Officer R.S. Netam, Sub-Inspector, Police Station Kotwali, District- Raigarh, is present in person and submitted that alleged seized bills are not in favour of applicants.
2. Since all the three petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
3. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
4. Perused the case diary provided by the learned counsel for the State in connection with Crime No.1467/2018 registered at Police Station- City Kotwali, District- Raigarh (C.G.) for the offence punishable under Sections 8 C & 21 of the N.D.P.S. Act.
5. Case of the prosecution, in brief is that on 04.11.2018 Sub-Inspector R.S. Netam posted at Kotwali, Raigarh, received information that in Soniya Nagar Sai Mandir, Raigarh prohibited Corex Syrup was being transported for sale by Bolero vehicle

bearing registration No.CG13U9997 and Maruti Eeco vehicle bearing registration No.CG13C8672. He reached along with witnesses and other staff on the spot. Both the vehicles were parked near the Sai Mandir. Applicant Prem Shankar Chauhan was the driver of aforesaid Bolero vehicle and applicant Tasleem Khan was driver of Eeco vehicle. It was found that applicant Vikash Agrawal son of Motilal Agrawal had called them along with vehicles. Other co-accused Krishna Kumar Sahu and Manoj Kumar Kewat, had loaded the cartoons of Corex Syrup in aforesaid vehicles. When police party reached there applicant Vikash Agrawal son of Motilal Agrawal ran away from the spot. From the possession of applicant Tasleem Khan 2860 number of bottles of RC cough syrup were seized. From the possession of applicant Prem Shankar Chauhan 10 cartoons of Corex Syrup were seized. Total number of bottles was 4280, in aforesaid cough syrup Codeine Phosphate was found.

6. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case and counsel for the Vikash Agrawal further submitted that another person Vikash Agrawal son of Vijay Agrawal is the owner of alleged Bolero vehicle. Thus, applicant Vikash Agrawal may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail applications, however, submits that there is no antecedent against the applicants.
8. Looking to the facts and circumstances of the case, looking to the material available on record, looking to the seriousness of the offence, looking to the impact of granting bail to the applicants on society, the present bail applications are rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Parul