

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2677 of 2019**

- Rehan Ahmad S/o Shri Mohd. Abdul Haleem Aged About 34 Years R/o Gousia Chowk, Sailani Nagar, Sanjay Nagar, P.S. Tikerapara, Raipur, District- (Revenue And Civil) Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For applicant	Mr. Yogesh Pandey, Adv.
For non-applicant/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18-7-2019**

1. IO T.R. Sahu is also present.
2. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His first bail application being MCRC No. 1859/2019 was dismissed by this Court for want of prosecution vide order dated 5-4-2019.
3. The applicant has been arrested in connection with Crime No. 88/2019 registered in police station City Kotwali, Distt. Raipur (CG) for offence punishable under Section 22-B, NDPS Act.
4. Prosecution story in brief is that on 23-2-2019 at about 14.00 hour at Bhatagaon Chouk, Nehru Nagar, Raipur sub inspector Tulsiram Sahu seized 200 numbers cough syrup bottles containing 100 ml each. Codeine Phosphate was found in these bottles. As per amended notification in this regard, entire quantity of mixture would be taken into consideration. In the case in hand, the alleged seized quantity of mixture from the applicant is about 20 kg.
5. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated. He further submitted that in Dehati Nalishi it has been mentioned that the informant gave information about one person but in the Mukhbir Panchnama name of the applicant and name of co-accused Manjit Singh is mentioned. In the notice under Section 160 of the Cr.P.C. both the alleged spot regarding applicant

and regarding co-accused Manjit Singh are mentioned simultaneously. As per Dehati Nalishi, proceedings were initiated against the co-accused Manjit Singh first and thereafter proceeding allegedly initiated against the applicant. These circumstances are sufficient to enlarge the applicant on bail.

6. On the other hand, the State Counsel opposed the bail application.
7. Aforesaid circumstances raised by the counsel for the applicant are subject matter of the scrutiny of evidence. At this stage, this Court cannot appreciate evidence.
8. Looking to the facts and circumstances of the case, looking to the quantity of the seized mixture, looking to the seriousness of the alleged offence and also the impact of granting bail to the applicant on the society, this Court is not inclined to grant bail to the applicant. The application is rejected.
9. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge