

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3950 of 2019

- Vicky Jaiswal S/o Shri Ashwani Jaiswal, R/o Main Road, Beltara, Police Station Ratanpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through SHO, Police Station Civil Line, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Achyut Tiwari, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 27-05-2019 in connection with Crime No.345/2019 registered at P.S. - Civil Line, District Bilaspur, Chhattisgarh for the offence under Section 21, 22 of N.D.P.S. Act, 1985.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 27-05-2019. The medicines that are alleged to have been seized from the possession of this applicant are the medicines which are sold under the prescription given by doctors. The applicant is proprietor of a medical agency styled as Jaiswal Enterprises holding valid licence for the same, copy of the licence has been produced along with covering memo. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that a huge quantity of medicines containing prohibited drugs has been seized from the possession of this applicant, therefore, he is not entitled

for grant of bail.

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

5. Police personnel of P.S. Civil Line, Bilaspur have made seizure of two cartons of RC Cough Syrup, 90 pieces of Takses Cough Syrup, 59 bottles of CodyStar Cough Syrup 60 ML, 40 bottles of CodyStar Cough Syrup 100 ML, 787 bottles of Kufdeine Syrup from the possession of this applicant. The content of codeine which is prohibited drug has been found to be 248.08 grams which is more than small quantity but less than commercial quantity.

6. After considering on the evidence present in the case diary and that the case is now pending for trial before the trial Court and the trial is likely to take some time, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge