

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4090 of 2019

- Rajesh Pandey, S/o Late Mahaveer Pandey, Aged About 47 Years, R/o Ganganagar, Police-Station-Pendra Road, District-Bilaspur Chhattisgarh, Present Address Nature City-Uslapur, Police-Station Sakri, District-Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Sakri, (Wrongly Mentioned As Seepat), District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Akhtar Hussain, Advocate.
For Respondent/State	:	Mr. Lav Sharma, Panel Lawyer.

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

16/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.172/2019 registered at Police Station–Sakri, District–Bilaspur(C.G.) for the offence punishable under Sections 21 & 22 NDPS Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 28.5.2019. No case is made out against this applicant. The applicant is Proprietor of the medical agency situated in Sakri, Bilaspur. The medicines that have been seized from his possession are medicine which he used to sale on proscrition, therefore, no case is made out

against him, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the cough syrup that was seized from the possession of this applicant that contained of prohibited narcotic drugs.
4. Heard both the parties and perused the case diary.
5. Huge quantity of cough syrup was seized from the possession of this applicant and the total volume of syrup seized was 37.6 litres. Hence, this case.
6. On calculation of the content of codeine in the syrup, it appears that it is a case of narcotic substance more than small quantity but less than commercial quantity. Apart from that the applicant is a licensed medical agent, therefore, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge