

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4396 of 2019**

Shamshad Ahmad S/o Mustaque Ahmad Aged About 30 Years
Occupation- Vehicle Mechanic, R/o Mokam- Rasulpur, Police Station
And Tahsil- Ambikapur, District- Surguja, Chhattisgarh., District :
Surguja (Ambikapur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Ambikapur, District- Surguja, Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sumit Singh, Advocate
For the State	:	Shri Vaibhav K. Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**29/08/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.281/2019 registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Section 21(C) of N.D.P.S. Act.
3. Case of the prosecution, in brief is that on 16/05/2019 Probationer Deputy Superintendent of Police Harish Patil posted at Police Station, Ambikapur received a secrete information from informant. After completing some formalities he seized 44 numbers bottles of RC Cough Syrup each 100 ml., 32 numbers of bottles Elturex- T cough syrup each 100 ml., 44 numbers of bottles Phencyrex Syrup each 100 ml., total numbers of bottle is 120. Total quantity of syrup as 12 liters equal near about 12 Kg. In each bottle – RC cough syrup and Elturex – T cough syrup codeine Phosphate IP 10 mg. Was found. In each bottle of Phencyrex cough syrup Chlorpheniramine Maleate IP 4 mg. was found.

4. Counsel for the applicant submitted that he is innocent and falsely implicated in the present case. Counsel for the applicant further submitted that he is running a garage where the vehicle owners come for repairing their vehicles. Some time they leave the vehicle in which articles are kept. Police arrested the applicant on 15/05/2019. He drew my attention on Annexure-A/2 which is the complaint filed on behalf of applicant to I.G. Surguja Range, Ambikapur.
5. On the other hand, learned counsel for the State opposes the bail application and submitted that there is no previous antecedent against the applicant.
6. This is well settled legal position that at the time of consideration of bail application Court neither can scrutinize the evidence nor appreciate the evidence, at this stage defence cannot be looked into.
7. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, looking to the huge quantity of contraband, this Court is not inclined to give the benefit of Section 439 of CrPC to applicant.
8. Consequently, bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge