

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5384 of 2019

- Abhishek Verma S/o Late Shri Birz Kishor Verma, Aged About 44 Years, R/o Sahiyog Park, Mahaveer Nagar, New Rajendra Nagar, District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through - The Station House Officer, Police Station Golbazar, District - Raipur, Chhattisgarh, District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Vipin Tiwari, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-09-2019

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 04-05-2019 in connection with Crime No.121/2019 registered at P.S. - Golbazar, District - Raipur, Chhattisgarh for the offence under Section 22(B) of Narcotic Drugs and Psychotropic Substances Act (NDPS).

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 04-05-2019. This applicant the applicant is the proprietor of Shiny Medical and Surgicals in Raipur. Annexure - A/3 has been filed which is a certificate given by Shops and Establishment Department, therefore, the applicant had authority to make purchase and stock the medicines. Vide Annexure - A/2 the invoice has been filed regarding purchase of the cough syrup bottles which were found in his possession. Therefore, he has not committed any offence. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.
5. Police personnel of Police Station Golbazar, Distt. Raipur made a seizure of 576 of RC Kuff Plus Cough Syrup each containing 100 ml. and each bottle contained content of Codeine Phosphate 200 mg. which is prohibited drug under the Schedule of NDPS Act.
6. Considering that the charge sheet has been filed and this applicant has raised defence on the ground that he is medical store keeper and stockist and has authority for stocking medicines which may be sold only on prescription, 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