

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6640 of 2019**

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

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Ambikapur, District Surguja Chhattisgarh

----Non Applicant

For the Applicant : Mr. Sumit Singh Rathore, Advocate

For Non Applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****22.10.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court by order dated 29.08.2019 passed in MCRC No.4396 of 2019 considering prima facie case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with 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.
4. 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.

5. Counsel for the applicant submitted that no witness is saying that applicant was carrying bag containing alleged cough syrup. Witnesses were brought by the Police Authority. The total of the contraband is less than commercial quantity. Applicant is in jail since 16.05.2019. Thus, applicant may be released on bail.
6. On the other hand, learned counsel for the State opposed the bail application, however, he submits that there is no criminal antecedent against the applicant reported in police case diary.
7. Detention period of accused is a considerable factor for disposal of the bail application but equally it is also true that other circumstances like gravity of the offence, impact of granting bail to the accused on society, are also material and important factors for disposal of the bail application.
8. At this stage, the aforesaid points raised by the counsel for the applicant are not helpful regarding releasing applicant on bail.
9. Looking to the above mentioned facts and circumstances of the case, this Court finds that there is no change of circumstance which may entitle the applicant to be released on bail in second round of litigation. Consequently, the second bail application is rejected.

Sd/-

(Sharad Kumar Gupta)

Judge