

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9510 of 2018**

- Mohd. Yakub Khan S/o Mohd. Nasim Khan Aged About 30 Years R/o Mominpura, Bsnl Tower, Police Station And Tahsil- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant**Versus**

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

---- Non-applicant

For Applicant	: Ms. Sangeeta Soni, Advocate.
For Non-applicant	: Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

29.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 212/2018 registered at Police Station Gandhi Nagar, Ambikapur, District- Surguja (C.G.) for the offence punishable under Section 21(C) NDPS Act.
3. Case of the prosecution, in brief is that on 02.09.2018 at about 17:50 hrs at Old Sainik School Road, Gangapur sub inspector Sanjay Shrivastava posted at police station Gandhi Nagar seized 22 bottles of R.C. Cough Syrup and 8 bottles of Wincerex cough syrup, total 30 bottles, each containing 100 ml cough syrup from the bag hanging on handle of the motorcycle bearing registration No. CG 15 CK 5817. Said motorcycle was in the possession of the applicant. Total 3 litre cough syrup was seized from the possession of the applicant. In the cough syrup codine phosphate was found.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. Counsel for the applicant further submitted that applicant is not the owner of the said vehicle, thus he may be released on bail.
7. As per the new notification whole quantity of the solution would be considered. Three litres is equivalent to 2.730 Kg which is exceeding the commercial quantity.
8. Looking to the facts and circumstances of the case, looking to the new notification, looking to the huge quantity of Codine Phosphate, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE