

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9892 of 2018**

Devendra Singh, aged about 26 years, S/o Dilbhadra Singh, R/o Village Lahpatra, P.S. Lakhanpur, District Surguja (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Ambikapur, District Surguja (CG).

---- Non-applicant

For Applicant	: Mr. Sunil Tripathi, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.357/2018 registered in Police Station Ambikapur, District Surguja for the offence punishable under Section 21(C) of N.D.P.S. Act.
3. Case of the prosecution, in brief, is that 23.07.2018 Sub-Inspector Chetan Chandrakar posted at police station Ambikapur seized 10 pieces of injections Avil (Pheniramine Maleate) each containing 10 ml, 59 pieces of injections Rexogesic Ampul Buprenorphine each containing 2 ml, Anzilum Alprazolam 375 tablets each containing 0.5 mg. As per RFSL report, buprenorphine was present in the said injections and alprazolam was present in the said tablets. As per notification dated 18.11.2009, the entire solution will be taken for consideration.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. He submitted that two other criminal cases under IPC and one case under NDPS Act have already been registered against the applicant.
6. In the case in hand, the quantity of the injections is 218 ml, which is equal to 218 gm, which is equal to 0.218 kg, which is more than

commercial quantity to 20 gm.

7. Looking to the facts and circumstances of the case, looking to the huge quantity of the seized articles, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-