

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9911 of 2018**

Ritesh Kumar Dangi, aged about 28 years, R/o Mahendra Prasad, R/o Village Godhanpur, P.S. Gandhinagar, District Surguja (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Gandhinagar, 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.244/2018 registered in Police Station Gandhinagar, District Surguja for the offence punishable under Section 22 of N.D.P.S. Act whereas in charge sheet, offence registered under Section 22 (C) of N.D.P.S. Act.
3. Case of the prosecution, in brief, is that on 06.10.2018 Sub Inspector Devesh Kumar Sahu posted at police station Gandhi Nagar seized 08 pieces of injections Avil (Pheniramine Maleate) each containing 40 ml, 53 pieces of injections Rexogesic Buprenorphine each containing 2 ml from the possession of the applicant. As per RFSL report, buprenorphine was found in the said injections. 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 has already been registered against the applicant.
6. In the case in hand, the quantity of the injections is 506 ml, which is equal to 506 gm, which is equal to 0.506 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/-