

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9182 of 2020

- Komal Rathore S/o Shri Siyaram Rathore Aged About 25 Years
R/o Village Agarkhar (Lata), Tehsil Katghora And District Korba,
Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Kotwali, District
Korba, Chhattisgarh

---- Respondent

MCRC No. 772 of 2021

- Narendra @ Chotu Bharia S/o Ashok Kumar Bhariya Aged About
32 Years R/o Village Bhatapara Gopalpur Police Station - Darri,
And Tehsil - Katghora And District - Korba Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Of
Police Station Kotwali - Korba District Korba Chhattisgarh

---- Respondent

For Applicants

Mr. Anshul Tiwari and Mr. Ashutosh
Shukla, Advocates

For Respondent /State

Mr. Ravish Verma, Government
Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****2/3/2021**

1. Heard.
2. These are the two applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 327/2020 registered at Police Station Kotwali District Korba (CG) for the offence punishable under Section 22 (c) of the Narcotics Drugs and Psychotropic Substances Act, 1985 (in short "the Act").
3. A total quantity of 1 Kg 204 gm of medicines Pyeevon Spas plus and Spasmo Proxyvon plus, containing 'Tramadol' was recovered from the applicants on 15.4.2020, when they were travelling together on a motorcycle.
4. As per the Government of India Notification dated 26.4.2018, 'Tramadol' is a psychotropic substance, the possession of which up to 5 gm is treated as small quantity, over and above 250 gm is commercial quantity. Recovery from the present applicant is more than the commercial quantity.
5. Learned counsel for the parties would highlight the defects in the investigation and failure of compliance of mandatory provisions contained under Sections 42 & 50 of the Act.

6. However, considering the huge quantity of contraband recovered from the applicants and that the defects in non-compliance of mandatory provisions are not to be seen at this stage, as held by this Court in the matter of **Sambhav Parakh Vs. State of Chhattisgarh (M.Cr.C. No.7850/2020 and other connected MCRCs decided on 29.1.2021)**, I am not inclined to release the applicants on regular bail at this stage.
7. Accordingly, the bail applications are dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge