

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 896 of 2021

- Shivshankar Prasad Baranwal @ Pappu S/o Shri Arjun Baranwal, Aged About 50 Years, R/o U.C.S. Pitamaheshwar, District Gaya Bihar., District : Gaya, Bihar

---- Applicant

Versus

- State of Chhattisgarh, Through: The Station House Officer, Police Station Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Sumit Singh Rathore, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-11-2020 in connection with Crime No.804/2020 registered at P.S. - Ambikapur, District Surguja, Chhattisgarh for the offence under Section 21 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated. This applicant has been made accused in this case only for the reason that co-accused namely Chhotu @ Mohammad Usaid made a memorandum statement that he had purchased the psychotropic substance from the medical store of this applicant. The applicant is a medical store owner, he has authority to stock licensed medical products, hence, he has not committed any offence. Therefore, it is prayed that he may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and the submission. It is submitted that in a separate Crime No.803/2020 huge quantity of medicine having content of psychotropic substances have been

seized from the possession of this applicant, therefore, the memorandum statement of the co-accused verifies that this applicant was the vendor of the contraband that was seized from possession of the co-accused. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. Spasmo Proxyvon Plus capsules in 2880 numbers and Alfasaf 0.5 mg capsules in 15000 numbers were seized from Chhotu @ Mohammad Usaid. He has stated in his memorandum statement that he had purchased these medicines from this applicant. Hence, this case.

6. Present case is registered as Crime No.804/2020. According to the evidence against the applicant as mentioned in the submission is only the memorandum statement given by the co-accused person. It is not an application filed for grant of bail to applicant in Crime No.803/2020 of P.S. Ambikapur. Hence, after considering on all the submissions and the facts of the case, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge