

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1069 of 2021**

Sajiya Khatun @ Guddi Wd/o Ibrail Khan Aged About 32 Years R/o Kabristan Mohalla, Surajpur, Police Station- Surajpur, Tehsil Surajpur, District- Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vijay Kumar Sahu, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.06.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.22 of 2021, registered at Police Station – Surajpur, District – Surajpur, Chhattisgarh for the offence punishable under Section 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is a woman, she is in jail since 15.01.2021 and has been falsely implicated in this case. The procedure of search and seizure was not conducted according to the provisions of NDPS Act. The medicines that have been seized from the

possession of this applicant are proprietary medicines which are sold on prescription by the medical stores and further, the total quantity of psychotropic substance present in the medicine is equivalent to lesser quantity as notified in the NDPS Act. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the total quantity of medicines and syrup that has been seized is pertaining to the commercial quantity of the psychotropic substance, which are the contents of the medicine. Therefore, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, seizure of 2592 tablets of Spasmo-Proxyvon Plus, 2400 tablets of Alprasafe 0.5mg and 80 bottles of Onerex Cough Syrup was made from the possession of this applicant. All these medicines are containing psychotropic substance.

6. Considered the submissions and the contents of the case-diary. Although, it is a case wherein the calculation of the psychotropic substance alongwith medicine as per the direction in the case of **Hira Singh and Another vs. Union of India**, reported in **2020 SCC Online 382** would be that of commercial quantity. However, taking into consideration the fact that the applicant is in jail since about six months and the trial against her is

almost held up because of continuation of the pandemic situation, I feel inclined to grant regular bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge