

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1230 of 2021**

1. Vivek Kumar Gupta S/o Narayan Shah, Aged About 18 Years, R/o - Village and Post - Karat, Police Station Tarari, District - Arra, Bhojpur (Bihar).
2. Durgesh Kumar Yadav S/o Umashankar Yadav, Aged About 20 years, R/o Village Sara, Police Station - Tarari, District Arra, Bhojpur (Bihar).

---- Applicants**Versus**

State of Chhattisgarh, Through Police Station
Gandhinagar, Ambikapur, District - Surguja Chhattisgarh.

---- Non-applicant

For Applicants : Shri D. Kushwaha, Advocate
For Non-applicant/State : Shri Shrikant Kaushik, P.L.

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**05.07.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants, who are in custody since 17.01.2021 in connection with Crime No.34 of 2021 registered at Police Station Gandhinagar, Ambikapur, District Surguja (C.G.) for commission of the offence punishable under Section 21(C) of Narcotic Drugs & Psychotropic Substances Act, 1985.
2. Shri D. Kushwaha, learned counsel for the applicants submits that though he has filed an application for withdrawal of the bail application, but not pressing the same. Hence,

application for withdrawal of the bail application is dismissed as not pressed.

3. Case of the prosecution is that, on the basis of secret information dated 17.01.2021, the police intercepted the present applicants and one Dhiraj Kumar Singh. During the course of search, the police recovered 6 boxes of Avil Injection containing 144 ampules containing 10 ml each, 10 numbers of T Gesic Injections each containing 2 ml, 44 numbers of Spasmo Proxyvon Plus Capsules (385 mg) from possession of applicant Durgesh Kumar Yadav. 576 numbers of Spasmo Proxyvon Plus Capsules (385 mg) and 11400 numbers of Ralm (0.5 mg) Tablets from the possession of co-accused Vivek Kumar Gupta. On the basis of seizure, police asked for the documents, to which, applicants failed to produce. Based on the illegal possession of aforementioned psychotropic substance, present applicants were arrested in the instant crime.
4. Shri D. Kushwaha, learned counsel for the applicants submits that the applicants are students and trial may take some time. He further submits that other co-accused Dhiraj Kumar Singh has been enlarged on bail vide order dated 01.07.2021 in MCRC No.1978 of 2021, from whose possession 11 bottles of RC Kuff Plus (100 ml) has been seized. He also submits

that the applicants are in jail since 17.01.2021, hence, they may be enlarged on bail.

5. Shri Shrikant Kaushik, learned Panel Lawyer representing the State while opposing the submissions made by learned counsel for the applicant submits that quantity of psychotropic substance recovered from the possession of the present applicants is of commercial quantity, hence, they are not entitled for grant of bail.
6. I have heard learned counsel for the parties.
7. Taking into consideration the nature of allegations and quantity of psychotropic substance recovered from the possession of present applicants, I do not find it to be a fit case to enlarge the applicants on bail. Accordingly, bail application is dismissed.

Sd/-

(Parth Prateem Sahu)
Judge