

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1450 of 2021**

1. Taiyab Khan, S/o Abdul Jaleel Khan, aged about 40 years,
2. Saddam @ Raju Khan, S/o Saukat ALI, aged about 38 years,

Both R/o Shardapur E., PS Chalgali, District Balrampur-Ramanujganj (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through SHO, Police Station Chalgali, District Balrampur-Ramanujganj (CG)

---- Non-Applicant

For Applicant : Shri Pawan Shrivastava, Advocate.
For Non-Applicant : Shri V.R. Tiwari, Additional AG.

Proceeding Through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag CJ****Order On Board**

18/06/2021 :

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.92/2020 registered in Police Station Chalgali, District Balrampur-Ramanujganj for offence under Section 21 (C) of the NDPS Act.
2. This is the 2nd bail application on behalf of the applicant. The first bail application was dismissed with liberty to revive the prayer after filing of the charge sheet.
3. In this bail application, it is argued that the applicants do not have any antecedents of committing any heinous crime, therefore, they are entitled to be released on bail.
4. Per contra, learned State Counsel would submit that Applicant No.1 Taiyab Khan has two more cases for offence under Section 354 and

379 IPC whereas Applicant No.2 Saddam @ Raju Khan has 6 more cases for offences under Sections (1) 366, 376, 342, 393 IPC; (2) 294, 506-B, 323, 325/34 IPC; (3) 379 IPC; (4) 379/411 IPC, Section 33 (1) (b) of the Indian Forest Act; (5) Istgasa for offence under Section 41 (1-4) of the CrPC; and (6) under Section 21 (b) of the NDPS Act.

5. In the present case 3 accused persons have been found in possession of more than 200 bottles of Onerex Cough Syrup each carrying 100 ml of syrup. Thus total quantity seized from the accused persons is more than the commercial quantity, as held by the Hon'ble Supreme Court in the matter of **Hira Singh and Another Vs. Union of India & Another** {CRA No.722/2017, decided on 22nd April, 2020} {2020 SCC Online SC 382}.
6. Considering the quantity of contraband recovered from the accused persons and their previous antecedents of committing serious nature of crime, I am not inclined to release the applicants on bail. Accordingly, the application is rejected.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Barve