

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 351 of 2021**

- Prem Kumar Jha S/o Pramod Kumar Jha Aged About 45 Years R/o B-6, Ground Floor, Pocket 7, DDA Janta Flats, Mayur Vihar, Phase-3, East Delhi New Delhi

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Maudhapara, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Shashank Thakur, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

26.07.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.226 of 2019 registered at Police Station Maudhapara, District -Raipur Chhattisgarh for commission of offenses punishable under Sections 21B, 29 and 32 of NDPS Act.
2. Case of the prosecution, in brief, is that, on 05.12.2019, Police of Maudhapara Police Station recovered banned drugs RC Cough syrup and Spasmo Proximon+ capsules (for short, 'banned drugs') from the possession of Sajid Tigala and Bheem @ Suraj Soni and they were arrested. During the course of investigation, it revealed that said banned drugs were purchased from Chouhan Medical and Core Health Biotec. Tirupati Pharmaceuticals supplied these drugs to the two medical stores. Co-accused Rajesh Agrawal and Ajay Chouhan were arrested, from possession of Rajesh Agrawal, 7,200 numbers of cough syrup bottles were recovered, with content of codeine.

Subsequently, it was revealed that Ajay Chouhan has deposited money in the applicant's bank account on number of occasions in the year 2019. Hence, present applicant was also suspected accused in the crime.

3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Shri Shashank Thakur, learned counsel for the applicant would submit that applicant is based at Delhi and involved in Pharmaceuticals business. On the basis of order placed by Tirupati Pharmaceuticals, which is owned by co-accused Rajesh Agrawal, present applicant supplied the drugs. Applicant who is based at Delhi cannot be held liable for any of the acts, if said to be illegal, if committed by Rajesh Agrawal, Owner of Tirupati Pharmaceuticals. Hence, present applicant may be enlarged on anticipatory bail.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that during the course of investigation, it revealed that Ajay Chouhan has made deposit of amount on different occasions in the account of present applicant, which shows that applicant is involved in instant crime. He submits that drugs recovered from the possession of Sajid Tigala and Bheem @ Suraj Soni are banned drugs.

6. Upon asking with regard to any document if available on record that medicines recovered are banned medicines, he said that there is no such document available on record.

7. I have heard learned counsel for the parties.

8. Taking into consideration the fact that drugs were recovered from possession of Sajid Tigala and Bheem @ Suraj Soni, residents of Raipur and during the course of investigation, Police collected information that they purchased said drugs from Core Health Biotec Medical store and Chouhan Midical owned by Ajay Chouhan, supplied by Tirupati Pharmaceuticals, owned by Rajesh Agrawal to medical stores, further that applicant is License holder for supply of wholesale drugs, based at Delhi, he supplied the drugs to Tirupati Pharmaceuticals. No submission is made by learned State counsel that the supply from applicant was illegal, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

9. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) That the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer;

- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma