

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1876 of 2021

Jai Kumar Singh, S/o Shri Vishram Singh, Aged about 27 years, R/o Panchshil Nagar, Purva BMY Charoda, District Durg (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station City Kotwali, District Raipur (C.G.)

---- Non-applicant

For Applicant: Mr. Shamsuddin Mirza, Advocate.
For Non-applicant: Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/03/2021

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.184/2020, registered at Police Station City Kotwali, Raipur, for the offence punishable under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application was dismissed as withdrawn on 19-10-2020.
3. Case of the prosecution, in brief, is that 60 bottles, each containing 100 ml. of intoxicant cough syrup Chlorpheniramine was seized from the possession of the applicant and thereby the applicant has committed the aforesaid offence.

4. Learned counsel for the applicant submits that this is the second bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence, he has falsely been implicated in the case, he has been arrested on 2-7-2020 and since then he is in jail, therefore, he may be released on bail. He further submits that two seizure witnesses namely Shrawan Kumar Soni (PW-1) and Ghanshyam Sharma (PW-2) have turned hostile and out of 60 seized bottles of cough syrup, only 5 bottles have been subjected to chemical examination and others have not been subjected to chemical examination, as such, the applicant is entitled for grant of bail.
5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel appearing for the parties.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the fact that total quantity of cough syrup seized is $60 \times 100 = 6$ Kgs. which is more than commercial quantity and that Section 37(1)(b) of the NDPS Act is attracted, I am not inclined to grant bail to the applicant. The application is therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge