

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4687 of 2021**

Anuranjan Shrivastava S/o Suryakant Shrivastava Aged About 27 Years R/o Namnakala Power House, Police Station- Gandhinagar, District- Surguja, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Station House Officer, Police Of Police Station- Gandhinagar, District- Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjeev Verma, Advocate.
For the Respondent/State : Smt. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.08.2021**

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.10 of 2020, registered at Police Station – Gandhinagar, District – Surguja, Chhattisgarh for the offence punishable under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 23.10.2020 and has been falsely implicated in this case. Pheniramine Maleate Injection IP, which was seized from the possession of this applicant is not a prohibited drug under the NDPS Act whereas, Buprenorphine and Rexogesic is within the small quantity under the notification of small quantity

and commercial quantity. 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 offence under Section 21(c) of the NDPS ACT has been registered, which is regarding the possession of commercial quantity of psychotropic substance. Hence, the applicant is not entitled for grant of bail.

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

5. Seizure of 52 numbers of Pheniramine Maleate Injection IP each of 10 ml and 44 numbers of Rexogesic Injection, each of 2 ml was made possession from this applicant.

6. The notification of small quantity and commercial quantity does not make a mention of Pheniramine Maleate injection as one of the prohibited drug and the content of that injection has not been specified. The seizure of other injection i.e. Rexogesic injection has content of Buprenorphine and the quantity is less than the small quantity, therefore, I am of this view that it is a fit case where the applicant should be benefited with grant of regular bail during the pendency of trial.

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 his 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 his 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