

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3711 of 2021**

Ahmed Qureshi @ Tarzan S/o Munauwar Qureshi Aged About 32 Years R/o Mayapur, Ambikapur, Tahsil Ambikapur, District Surguja Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station City Kotwali, Kotwali, Ambikapur, District Surguja Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 5333 Of 2021**

Harvinder Singh @ Chintu S/o Kashmira Singh Aged About 36 Years R/o Mahmaya Road, Ambikapur, P. S. And Tehsil Ambikapur District Surguja Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali Ambikapur District Surguja Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Anurag Singh and Shri Nishi Kant Sinha, Advocates.
For the Respondent/State	:	Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.08.2021**

Heard.

1. Both these applications are decided by a common order as they arise from the same crime number. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.429 of 2021, registered at Police Station City Kotwali, Ambikapur, District – Surguja, Chhattisgarh for the offence

punishable under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. In M.Cr.C. No.3711 of 2021, learned counsel for the applicant submits that he is in jail since 7.5.2021 and has been falsely implicated in this case. Spasmo Proxyvon Plus Capsules that were seized from the applicant had content of 5 mg of Tramadol, therefore, the calculation from the total seizure would amount to small quantity. Further, the seizure of RC-kuff plus cough syrup having content of codeine phosphate is in commercial quantity. Hence, it is prayed that this applicant may be granted regular bail.

In M.Cr.C. No.5333 of 2021, learned counsel for the applicant submits that he is in jail since 8.5.2021 and has been falsely implicated in this case. Learned counsel for the applicant submits that the quantity of the articles seized from this applicant is of small quantity. There is no likelihood of conclusion of trial in the near future. Hence, it is prayed that this applicant may be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the case against applicant – Ahmed Qureshi @ Tarzan in M.Cr.C. No. 3711 of 2021 is that the medicine having content of Tramadol which is prohibited under NDPS Act was 11088 gms and Alprazolam tablets has weight of 660 gms, therefore, both the articles are more than commercial quantity.

It is submitted that regarding applicant – Harvinder Singh @ Chintu in M.Cr.C. No. 5333 of 2021 although the quantity of Tramadol in the medicine seized is less than commercial quantity but the quantity of Alprazolam is

247.5 gm which is more than commercial quantity. Therefore, the case against both these applicants is clearly covered under Section 21(C) of the NDPS Act and grant of bail is governed by Section 37 of the NDPS Act. Therefore, none of the applicants deserves to be enlarged on bail.

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

5. According to the prosecution case, seizure of 2736 capsules of Spasmo Proxyvon Plus capsules, 6000 tablets of Alprazolam and 31 bottles of RC-kuff cough syrup was made from the possession of applicant -Ahmed Qureshi. Capsule Spasmo Proxyvon Plus has the content of Tramadol and cough syrup has codeine phosphate. All the drugs seized are prohibited under NDPS Act and the quantity of the drugs in weight is more than commercial quantity. In the same case, seizure of 9 bottles of RC-kuff cough syrup having content of 100 ml of codeine, 288 tablets of Spasmo Proxyvon Plus having content of Tramadol, 2250 tablets of Alprazolam seized from the possession of these applicants. The quantity of Alprazolam is more than commercial quantity.

6. Considered on the submissions. As it appears that the case against both the applicants is covered under Section 21(c) of the NDPS Act, therefore, the restrictions as laid down under Section 37 of the NDPS Act are applicable on the basis of the facts present. This Court is unable to hold that the applicants in both the cases have not committed the offence as alleged against them. Therefore, I do not feel inclined to grant bail to the applicants in both the cases.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. of the applicants in both the cases are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi