

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3774 of 2021

- Bhaum Prasad Sahu (Bhum Prakash wrongly mentioned in order sheet) S/o Late Tiharuram Sahu, aged about 44 years R/o Village Konpara, Thana Gharghoda, Distt. Raigarh (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Gharghoda, Distt. Raigarh (C.G.)

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Respondent/State	:	Ms. Shivali Dubey, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

08/07/2021

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 236/2020 registered at Police Station Gharghoda, District Raigarh (C.G.) for the offence punishable under Section 21 (C) of the Narcotic Drugs & Psychotropic Substance Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. He is in jail since 10/10/2020, charge-sheet has been filed and trial is not making any progress, therefore, he may be released on bail.
3. Per contra, learned State counsel opposes the bail application and submits that the quantity of psychotropic substance seized from this

applicant falls within the category of commercial quantity, therefore, Section 37 of the NDPS Act is applicable and the applicant should not be enlarged on bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, a seizure of 75 bottles of R.C. Cough Syrup, each containing 100 ml, was made from the possession of the applicant. The seized psychotropic substance have contents of codeine phosphate which is prohibited under the NDPS Act.
6. Considered on the submissions. The total volume of syrups seized is 7.5 liters, but there no weight mentioned in the seizure memo. Further, the Drug Inspector mentioned that the total weight of codeine phosphate is 15 grams, which is more than small quantity, but less than commercial quantity. Hence, under these circumstances and for the reasons that the applicant is in detention since more than 8 months and trial is not making any progress due to pandemic situation, I feel inclined to allow this bail application and release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge