

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3911 of 2021

- Ravishankar Kushwaha S/o Girjashankar Kushwaha, Aged About 40 Years, residence of Surguja Tent House Kedarpur, P.S. Kotwali, District- Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh: Through Police Station - Kotwali, Ambikapur, District - Surguja Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Tripathi, Advocate.

For State/Non-applicant – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-05-2021 in connection with Crime No.439/2021 registered at Police Station – Kotwali, Ambikapur, District - Surguja, Chhattisgarh for the offence under Section 21C of N.D.P.S. Act.
2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail since 11-05-2021. The investigation is pending. The applicant is local resident of District Surguja. Therefore, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the submission and submits that it is a clear case of commercial quantity and the total quantity of the psychotropic substance is 996 ml. which is equivalent to 996 grams, therefore, this being commercial quantity, the applicant is not entitled for grant of bail. Apart from that, the applicant has criminal antecedent, he has 10 previous cases registered against him under various provisions of the IPC and Gambling Act.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, 83 ampules of Pheniramine Meleate

Injection each containing 10 ml. of liquid, 83 numbers of REXOGESIC Buprenorphine Injection each containing 2 ml. were seized from the possession of this applicant. Total volume of the liquid in ampules has been calculated to be 996 ml.

6. As the Notification of the small quantity and the commercial quantity under the N.D.P.S. Act does not mention of such quantity in volume and there is mention of weight, hence, the submission of the State counsel regarding equivalence of volume to weight cannot be accepted as it is. Though the applicant has criminal antecedent, but there is no previous case against the applicant under the N.D.P.S. Act. Further, there is likelihood of delay in completion of the investigation and trial. Therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge