

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through video conferencing****MCRC No. 4478 of 2021**

1. Smt. Jeera Das W/o Vijay Gupta Aged About 35 Years R/o Village Dandgaon, Sarnapara, Police Station Lundra District Surguja Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station Lundra District Surguja Chhattisgarh

---- Respondent

For Applicant - Shri Tara Das Manikpur, Advocate.
For Respondent/State - Shri Sudeep Agrwal, Dy. Advocate General.

Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice
Order on Board**18-08-2021**

1. Heard.
2. The applicant has preferred the first bail application under Section 439 of the Cr.P.C., as she has been arrested in connection with Crime No.50/2021, registered at Police Station – Lundra, District – Surguja (C.G.) for the offence punishable under Section 21 (C) of the Narcotic Drugs & Psychotropic Substance Act.
3. The applicant was found in illicit possession of 151 RC cough syrup and 450 tablets of Alprazolam.
4. Learned State counsel would oppose the prayer for grant of bail.

5. The quantity of contraband recovered from the applicant is commercial quantity. In view of the law laid down by the Hon'ble Supreme court in the matter of **Hira Singh & Anr. Vs Union of India & Anr.** in CRA No.722/2017 wherein it has been held that not only psychotropic substance but the neutral substance would also be measured/weighed to determine the quantity of the contraband. According to learned State counsel, the contraband recovered in this case is more than the commercial quantity, therefore, in view of the Section 37 of the N.D.P.S. Act, the applicant is not entitled to be released on bail.
6. Considering the parameters under Section 37 of the N.D.P.S. Act, I am not inclined to release the applicant on bail. However, reserving liberty in favour of the applicant to revive the prayer at an appropriate stage.
7. Accordingly, the present bail application of the applicant is dismissed with the aforesaid liberty.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

Amardeep